

BULKY DOCUMENTS

(exceeds 300 pages)

Proceeding/Serial No: 91178539

Filed: 04-08-2008

Title: Oposer's Second Motion to Amend the Notice of Opposition; with Exhibits

Part 1 of 1



ERIK BERTIN

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April 8, 2008

VIA U.S. EXPRESS MAIL

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

9/6/8-73, 11/11

Re: Opposition No. 91/178,539

SmithKline Beecham Corporation v. Omnisource DDS, LLC

To the Commissioner for Trademarks:

Enclosed for filing in this matter are the following:

- Opposer's Second Motion to Amend the Notice of Opposition, together with a signed copy of the Second Amended Notice of Opposition and Exhibits A through R thereto
- Declaration of Erik Bertin, together with Exhibits A through M thereto. This Declaration has been submitted in support of Opposer's Motion for Summary Judgment on the Issue of Applicant's *Bona Fide* Intent, which was filed on this date.

Sincerely,

Erik Bertin

Erik Bertin

Enclosures

cc: Erik M. Pelton
P.O. Box 100637
Arlington, VA 22210

Counsel for Applicant Omnisource DDS, LLC



04-08-2008

U.S. Patent & Trademark Mail Rept. Ct. #22

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION :

Opposer,

v.

OMNISOURCE DDS, LLC

Applicant.

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Opposition No. 91/178,539

OPPOSER'S SECOND MOTION TO AMEND THE NOTICE OF OPPOSITION

Opposer SmithKline Beecham Corporation moves to amend the Notice of Opposition by adding an additional basis for opposing Applicant's intent-to-use application, namely, that Applicant Omnisource DDS, LLC does not have a *bona fide* intent to use its mark in commerce. Applicant failed to produce any objective evidence demonstrating that it intended to use the mark AQUAJETT for "dental instruments, namely, oral irrigators" at the time that the application was filed. As such, Applicant's intent-to-use application is void.

Adding a claim based on Applicant's lack of *bona fide* intent will not cause any prejudice, because Opposer has not asked for additional discovery on this issue. In fact, Opposer's claim is based entirely on the evidence (or lack thereof) that Applicant produced during discovery.

A signed copy of Opposer's Second Amended Notice of Opposition is enclosed. In addition, Opposer has made its pleaded registrations of record pursuant to Rule 2.122(d)(1) by submitting photocopies of those registrations along with print-outs from the TESS / TARR databases showing the current status and title of each registration.

Opposer is filing a motion for summary judgment on the issue of Applicant's *bona fide* intent together with this motion. Therefore, Opposer respectfully submits that this Second Motion to Amend the Notice of Opposition and the Motion to Amend filed on January 2, 2008 are now ripe for adjudication.¹

¹ On January 2, 2008 Opposer filed a motion to amend the Notice of Opposition by adding its newly-acquired registration for AQUA FLOSS as an additional basis for opposing Applicant's mark (the "AQUA FLOSS Motion").

BACKGROUND

Applicant has filed an intent-to-use application to register AQUAJETT for “dental instruments, namely, oral irrigators” (the “Application”). Opposer opposed this Application based on its prior registrations for AQUA, AQUAFRESH, and other AQUAFRESH-formative marks for toothpastes, toothbrushes, and related products, and AQUA FLOSS for a “water jet oral hygiene device for cleaning and irrigating gums and spaces between teeth.” Discovery closed on February 9th, and Opposer’s testimony period is scheduled to begin on April 9th.

Applicant’s discovery responses and deposition testimony confirm that Applicant does not have a *bona fide* intent to use its mark in commerce. On February 11th, Opposer served Applicant with a set of interrogatories, document requests, and requests for admissions, and asked Applicant to supplement its responses to certain discovery requests that were served earlier in the proceeding. Applicant responded to these requests on February 25, 2008 and March 11, 2008, respectively. On February 27, 2008 Opposer deposed the president of Omnisouce, Dr. William Weissman.² The relevant portions of this evidence have been filed in this proceeding as exhibits to the Declaration of Erik Bertin, dated April 8, 2008.

As Opposer has demonstrated in its motion for summary judgment, the evidence confirms that Applicant did not have a *bona fide* intent to use AQUAJETT in commerce as of the Application filing date:

On March 26, 2008 the Board said that it needed to review the evidence that Opposer submitted in support of the proposed amendment before it could rule on the AQUA FLOSS Motion. Because the Board does not review trial testimony or examine other trial evidence prior to final hearing, the Board deferred its decision on the AQUA FLOSS Motion until the final hearing. *See* Order dated 3/26/08 at 2.

For the convenience of the parties and the Board, the amendments that were submitted with the AQUA FLOSS Motion have been incorporated into Opposer’s Second Amended Notice of Opposition, which is the subject of this Second Motion to Amend. (*Compare* Opposer’s Amended Notice of Opposition ¶ 5 *with* Opposer’s Amended Notice of Opposition ¶ 5.)

² By agreement of the parties, this deposition took place after the close of the discovery period. (*See* Stipulation to Postpone Discovery Deposition, filed February 8, 2008.)

- ° Applicant never used AQUAJETT in commerce for oral irrigators or any other product or service.
- ° Applicant never licensed or attempted to license AQUAJETT for use on or in connection with oral irrigators or any other product or service.
- ° Applicant has not produced a single document showing that it has a *bona fide* intent to use its mark in commerce.
- ° Applicant has not taken any steps to put this mark into use, either before or after the filing date of the Application.
- ° Applicant has filed numerous intent-to-use applications covering the same product that is described in its application for AQUAJETT, but has not taken steps to put these marks into use.

Because there is no objective evidence demonstrating that Applicant has a *bona fide* intent to use its mark in commerce, the intent-to-use application is void and registration should be refused.

ARGUMENT

The Board's rules provide that leave to amend a pleading is "freely" and "liberally" given "at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse parties or parties." TBMP § 507.02. Leave to amend is routinely granted where – as here – the Opposer has sought to add a claim that is based on new evidence that was produced during discovery. *See* Beth A. Chapman, *TIPS FROM THE TTAB: Amending Pleadings: The Right Stuff*, 81 Trademark Rep. 302, 310-11 (1991) ("if it becomes necessary to amend the pleadings because of recently discovered evidence, or the like, the parties should keep in mind the guiding principle that the Board strives for a full and complete adjudication of all of the issues"). Likewise, leave to amend has been granted where – as here – the Opposer has filed a motion for summary judgment on its new claim and where the testimony period has not yet begun. *See, e.g., Focus 21 International Inc. v. Pola Kasei Kogyo Kabushiki Kaisha*, 22 USPQ2d 1316, 1318 (TTAB 1992) (granting motion to amend filed prior to opening of the testimony period).

A. The Second Amended Notice of Opposition States A Valid Claim for Relief

The proposed amendment is clearly permitted under the Board's precedent. In *Commodore Electronics Ltd. v. CBM Kabushiki Kaisha*, 26 USPQ2d 1507 (TTAB 1993) the opposer asked for leave to amend its notice of opposition after it learned through discovery that the applicant "did not have a single document to establish a *bona fide* intention to use [its mark] in commerce." *Id.* at 1504. The Board held that "the absence of any documentary evidence on the part of the applicant regarding [its claimed intent to use] is sufficient to prove the applicant lacks a bona fide intention to use its mark in commerce [at the time it filed its intent-to-use application] as required by Section 1(b)." *Id.* at 1507. Accordingly, the Board granted the opposer's motion to amend. *Id.* at 1506-07.

The facts presented in this case warrant the same outcome. Applicant purportedly intends to use the mark AQUAJETT on or in connection with "dental instruments, namely, oral irrigators." However, there is no evidence in the record to support or corroborate that claim. Applicant's failure to produce any objective evidence – documentary or otherwise – demonstrating that it actually plans to use its mark in commerce confirms that it lacks the requisite *bona fide* intent under Section 1(b). Because Opposer's new claim is permitted under the Board's established precedent, that claim should be added to the Notice of Opposition. *See id.* at 1507.

Moreover, Opposer has met the pleading requirement for asserting this type of claim. The Second Amended Notice of Opposition and Opposer's motion for summary judgment specify the factual and legal basis for this claim, and as such, Applicant has been put on fair notice as to why it lacks the *bona fide* intent required by Section 1(b).

B. Applicant Will Not Suffer Any Prejudice If This Motion Is Granted

Applicant will not be prejudiced if a *bona fide* intent claim is added to the Notice of Opposition. Opposer is asking for leave to amend its Notice of Opposition within a reasonable time after becoming aware of the facts that support this claim, and has not asked for any additional discovery on this issue. Applicant has no need to take additional discovery in order to defend this added claim, because the new claim is based on Applicant's own actions (or inactions), and based on documents and information that should be within the Applicant's custody and control.

CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board grant the motion to amend and enter its Second Amended Notice of Opposition into the record.

Dated: April 8, 2008

Respectfully submitted,



Attorneys for Opposer
SMITHKLINE BEECHAM CORPORATION

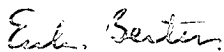
Glenn A. Gundersen
Erik Bertin
Jacob R. Bishop
DECHERT LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808
(215) 994-2183

Certificate of Mailing by Express Mail

I hereby certify that Opposer's Motion to Amend the Notice of Opposition is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on April 8, 2008.

Erik Bertin
Person Signing Certificate

April 8, 2008
Date of Signature



Signature

EB 303226528 US
Express Mail Number

Certificate of Service

I hereby certify that a true and correct copy of Opposer's Motion to Amend the Notice of Opposition has been duly served by mailing such copy first class, postage prepaid, to Erik M. Pelton, P.O. Box 100637, Arlington, VA 22210 on April 8, 2008.



Erik Bertin

SmithKline Beecham Corporation,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91/178,539
)	
Omnisource DDS,)	
)	
Applicant.)	
)	

SmithKline Beecham Corporation, a Pennsylvania corporation with a principal place of business at 709 Swedeland Road UW2221, King of Prussia, Pennsylvania 19406, believes that it will be damaged by the registration of the mark AQUAJETT which is the subject of Application Serial No. 78/893,144 and hereby opposes registration of said mark.

1) Opposer, since at least as early as 1972 and since long prior to any date of first use upon which Applicant can rely, has manufactured, distributed, marketed and sold various oral care products under the mark AQUAFRESH, both alone and together with another word or words and/or design.

2) As a result of Opposer's long and extensive use of promotion of its AQUAFRESH marks in connection with oral care products, the AQUAFRESH brand has become a well-known, renowned and famous mark and has become an extremely valuable asset of Opposer.

3) Opposer has also, since prior to any date of first use upon which Applicant can rely, used the mark AQUA as a trademark to identify its toothpaste and toothbrushes.

4) Opposer is also the owner, by assignment, of the AQUA FLOSS mark for "Water jet oral oral hygiene device for cleaning and irrigating gums and spaces between teeth".

5) Opposer is the owner of following United States trademark registrations, among others, which are valid, subsisting, unrevoked and uncanceled:

REGISTRATION NO	MARK	GOODS	ISSUE DATE
1,662,981	AQUAFRESH FLEX	Toothbrushes	October 29, 1991
1,006,821	AQUAFRESH	Toothpaste	March 18, 1975
1,805,051	AQUAFRESH SENSITIVE	Toothpaste	November 16, 1993
2,304,437	AQUA	Toothpaste and Toothbrushes	December 28, 1999
2,706,176	AQUAFRESH and Design	Toothbrushes	April 15, 2003
2,699,482	AQUAFRESH and Design	Toothbrushes	March 25, 2003
2,706,175	AQUAFRESH and Design	Toothbrushes	April 15, 2003
2,587,675	AQUAFRESH FLEX	Toothbrushes	July 2, 2002
2,759,361	AQUAFRESH FLEX TIP MAX-ACTIVE	Toothbrushes	September 2, 2003
2,754,841	AQUAFRESH and Design	Toothbrushes	August 26, 2003
2,314,839	AQUAFRESH-ALL	Toothpaste	February 1, 2000
2,615,649	AQUAFRESH EXTREME CLEAN	Chewing gum; Toothpaste	September 3, 2002

REGISTRATION NO	MARK	GOODS	ISSUE DATE
2,811,892	AQUAFRESH AQUABLAST	Toothbrush cleaners and oral appliance cleaners	February 3, 2004
3,058,216	AQUAFRESH XTENSIVE	Toothbrushes	February 7, 2006
3,218,965	AQUAFRESH WHITE & SHINE	Oral care Preparations, namely Dental gels, dentifrices	March 13, 2007
3,110,249	AQUAFRESH IMPACT	Toothpaste	June 27, 2006
2,985,548	AQUAFRESH DIRECT	Toothbrushes	August 16, 2005
1,660,337	AQUA FLOSS	Water jet oral hygiene Device for cleaning and irrigating gums and spaces between teeth	October 18, 1991

The foregoing marks are collectively referred to in this Second Amended Notice of Opposition as “Opposer’s AQUA and AQUAFRESH Marks.” Copies of the foregoing registrations are enclosed as Exhibits A through R, along with print-outs from the Trademark Office’s TESS and TARR databases showing the current status and title of each registration.

6) Applicant has filed an application to register the mark AQUAJETT for goods described as Dental instruments, namely, oral irrigators. This application was assigned Application Serial No. 78/893,144 and was published for opposition on July 10, 2007 (the “Application”). The Application was filed based on Applicant’s bona fide intention to use the mark in commerce.

7) Applicant's AQUAJETT mark so resembles Opposer's AQUA and AQUAFRESH Marks as to be likely applied to Applicant's goods, to cause confusion, mistake or deception within the meaning of Section 2(d) of The Trademark Act, thereby resulting in damage to Opposer.

8) Registration of the mark sought by Applicant herein is barred by the provisions of The Trademark Act of 1946, as amended, for the reason that the Application consists of a mark which is similar to Opposer's previously used, registered, and famous mark, as to dilute the distinctive quality of Opposer's marks within the meaning of the Lanham Act, thereby resulting in damage to Opposer.

9) Upon information and belief, Applicant did not have a *bona fide* intent to use AQUAJETT in commerce for "dental instruments, namely, oral irrigators" when it filed the Application.

10) Upon information and belief, Applicant has not taken any steps to commence use of the mark AQUAJETT in commerce, either before or after the filing date of the Application.

11) Upon information and belief, Applicant does not have any documents that establish a *bona fide* intention to use AQUAJETT in commerce.

12) Upon information and belief, Applicant has filed numerous intent-to-use applications covering the same product that is described in the Application, but does not have any documents that establish a *bona fide* intention to use these other marks in commerce.

13) On June 1, 2004, Applicant filed an intent-to-use application to register AQUAJET on the Principal Register as a trademark for "oral irrigators," which was designated Serial No. 76/594,977 (the "AQUAJET Application"). The AQUAJET Application was

deemed abandoned on August 5, 2005, because the Applicant failed to respond to an office action. The Applicant never filed a statement of use for the AQUAJET Application .

14) On June 1, 2004, Applicant filed an intent-to-use application to register AQUAPIK on the Principal Register as a trademark for “oral irrigators” (the “AQUAPIK Application”). The AQUAPIK Application was designated Serial No. 76/594,979. This mark was published for opposition in the *Official Gazette* on May 5, 2005, and a notice of allowance was issued on November 29, 2005. Applicant has filed four extensions of time to prove use, but has not filed a statement of use for the AQUAPIK Application.

15) On February 10, 2006, Applicant filed an intent-to-use application to register OMNAPIK on the Principal Register as a trademark for “dental instruments, namely, oral irrigators” (the “OMNAPIK Application”). The OMNAPIK Application was designated Serial No. 78/811,971. This mark was published for opposition in the *Official Gazette* on September 12, 2006. Applicant has not filed a statement of use for the OMNAPIK Application.

16) On May 25, 2006, Applicant filed an intent-to-use application to register OMNIJET on the Principal Register as a trademark for “dental instruments, namely, oral irrigators” (the “OMNIJET Application”). The OMNIJET Application was designated Serial No. 78/892,761. This mark was published for opposition in the *Official Gazette* on September 12, 2006, and a notice of allowance was issued on December 5, 2006. Applicant has filed two extensions of time to prove use, but has not filed a statement of use for the OMNIJET Application.

17) On January 23, 2006, Applicant filed an intent-to-use application to register OMNIFRESH on the Principal Register as a trademark for, *inter alia*, “oral irrigators, dental picks, tongue scrapers” (the “OMNIFRESH Application”). The OMNIFRESH Application was

designated Serial No. 78/797,498. This mark was published for opposition in the *Official Gazette* on September 12, 2006, and a notice of allowance was issued on December 5, 2006. Applicant has filed two extensions of time to prove use, but has not filed a statement of use for the OMNIFRESH Application.

18) On May 21, 2006, Applicant filed an intent-to-use application to register SHOWERJET on the Principal Register as a trademark for "oral irrigators" (the "SHOWERJET Application"). The SHOWERJET Application was designated Serial No. 76/595,958. This mark was published for opposition in the *Official Gazette* on March 21, 2006, and a notice of allowance was issued on June 13, 2006. Applicant has filed three extensions of time to prove use, but has not filed a statement of use for the SHOWERJET Application.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that registration to Applicant be refused. It is believed that no fee is required for this Second Amended Notice of Opposition. However, if a fee is required, it may be charged to Deposit Account No. 04-0475.

Dated: April 8, 2008

Respectfully submitted,



Glenn A. Gundersen
Erik Bertin
Jacob R. Bishop
DECHERT LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808
(215) 994-2183

Attorneys for Opposer
SMITHKLINE BEECHAM CORPORATION

Exhibit A

Int. Cl.: 21

Prior U.S. Cls.: 21 and 29

United States Patent and Trademark Office

Reg. No. 1,662,981

Registered Oct. 29, 1991

**TRADEMARK
PRINCIPAL REGISTER**

AQUA-FRESH FLEX

**BEECHAM INC. (TENNESSEE CORPORATION)
501 FIFTH STREET
BRISTOL, TN 37620**

**OWNER OF U.S. REG. NO. 1,006,820 AND
OTHERS.**

**FOR: TOOTHBRUSHES, IN CLASS 21 (U.S.
CLS. 21 AND 29).**

**FIRST USE 7-15-1990; IN COMMERCE
7-15-1990.**

SN 74-062,559, FILED 5-25-1990.

JEAN E. LOGAN, EXAMINING ATTORNEY



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TARR Status	ASSIGN Status	TDR	TTAB Status
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 (Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

Word Mark	AQUAFRESH FLEX
Goods and Services	IC 021. US 021 029. G & S: toothbrushes. FIRST USE: 19900715. FIRST USE IN COMMERCE: 19900715
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74062559
Filing Date	May 25, 1990
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 20, 1990
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	1662981
Registration Date	October 29, 1991
Owner	(REGISTRANT) BEECHAM INC. CORPORATION TENNESSEE 501 Fifth Street Bristol TENNESSEE 37620 (LAST LISTED OWNER) SMITHKLINE BEECHAM CORPORATION CORPORATION BY MERGER WITH PENNSYLVANIA P.O. BOX 7929 ONE FRANKLIN PLAZA PHILADELPHIA PENNSYLVANIA 19101
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	CHRISTOPHER A SIDOTI

Prior Registrations 1006820;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010811.
Renewal 1ST RENEWAL 20010811
Live/Dead Indicator LIVE

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Serial Number: 74062559 Assignment Information Trademark Document Retrieval

Registration Number: 1662981

Mark (words only): AQUAFRESH FLEX

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-08-11

Filing Date: 1990-05-25

Transformed into a National Application: No

Registration Date: 1991-10-29

Register: Principal

Law Office Assigned: LAW OFFICE 10

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-11-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SMITHKLINE BEECHAM CORPORATION

Address:

SMITHKLINE BEECHAM CORPORATION
P.O. BOX 7929 ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

toothbrushes

Basis: 1(a)

First Use Date: 1990-07-15

First Use in Commerce Date: 1990-07-15

ADDITIONAL INFORMATION

Prior Registration Number(s):

1006820

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-28 - Case File In TIGRS

2001-08-11 - First renewal 10 year

2001-08-11 - Section 8 (10-year) accepted/ Section 9 granted

2001-05-18 - Combined Section 8 (10-year)/Section 9 filed

1997-09-12 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-08-21 - Section 8 (6-year) and Section 15 Filed

1993-11-02 - Section 7 amendment issued

1992-10-09 - Response received for Post Registration action

1992-04-10 - Post Registration action mailed - Section 7

1992-02-03 - Section 7 amendment filed

1991-10-29 - Registered - Principal Register

1991-08-09 - Allowed for Registration - Principal Register (SOU accepted)

1991-07-11 - Statement of use processing complete

1991-05-28 - Amendment to Use filed

1991-02-12 - Notice of allowance - mailed

1990-11-20 - Published for opposition

1990-10-22 - Notice of publication

1990-09-19 - Approved for Pub - Principal Register (Initial exam)

1990-09-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CHRISTOPHER A SIDOTI

Correspondent

CHRISTOPHER A SIDOTI
GLAXOSMITHKLINE
709 SWEDELAND ROAD
KING OF PRUSSIA, PA 19406

Exhibit B

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent Office

Reg. No. 1,006,821

Registered Mar. 18, 1975

TRADEMARK

Principal Register

AQUAFRESH

Beecham Inc. (New Jersey corporation)
65 Industrial S.
Clifton, N.J. 07012

For: TOOTHPASTE, in CLASS 3 (U.S. CL. 51).
First use Aug. 25, 1972; in commerce Aug. 25, 1972.
Owner of Reg. Nos. 881,389, 975,620, and others.

Ser. No. 25,592, filed June 28, 1974.



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TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AQUAFRESH

Goods and Services IC 003. US 051. G & S: TOOTHPASTE. FIRST USE: 19720825. FIRST USE IN COMMERCE: 19720825

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73025592

Filing Date June 28, 1974

Current Filing Basis 1A

Original Filing Basis 1A

Registration Number 1006821

Registration Date March 18, 1975

Owner (REGISTRANT) BEECHAM INC. CORPORATION NEW JERSEY 65 INDUSTRIAL S. CLIFFSIDE NEW JERSEY 07012

(LAST LISTED OWNER) SMITHKLINE BEECHAM CORPORATION CORPORATION BY MERGER WITH PENNSYLVANIA ONE FRANKLIN PLAZA P.O. BOX 7929 PHILADELPHIA PENNSYLVANIA 19101

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record CHRISTOPHER A. SIDOTI

Prior Registrations 0881389;0975620;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050201.
Renewal 2ND RENEWAL 20050201
Live/Dead Indicator LIVE

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	FIRST DOC	PREV DOC							

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Serial Number: 73025592 Assignment Information Trademark Document Retrieval

Registration Number: 1006821

Mark (words only): AQUAFRESH

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2005-02-01

Filing Date: 1974-06-28

Transformed into a National Application: No

Registration Date: 1975-03-18

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-10-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SMITHKLINE BEECHAM CORPORATION

Address:

SMITHKLINE BEECHAM CORPORATION
ONE FRANKLIN PLAZA P.O. BOX 7929
PHILADELPHIA, PA 19101

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

TOOTHPASTE

Basis: 1(a)

First Use Date: 1972-08-25

First Use in Commerce Date: 1972-08-25

ADDITIONAL INFORMATION

Prior Registration Number(s):

881389

975620

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-26 - Case File In TICRS

2005-02-01 - Second renewal 10 year

2005-02-01 - Section 8 (10-year) accepted/ Section 9 granted

2004-11-01 - Combined Section 8 (10-year)/Section 9 filed

2004-11-01 - Combined Section 8 (10-year)/Section 9 filed

2004-11-01 - TEAS Section 8 & 9 Received

1995-06-01 - First renewal 10 year

1995-03-01 - Section 9 filed/check record for Section 8

1980-09-30 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CHRISTOPHER A. SIDOTI

Correspondent

CHRISTOPHER A. SIDOTI

SMITHKLINE BEECHAM CORPORATION

UW2221,

709 Swedeland Road

Exhibit C

Int. Cl.: 3

Prior U.S. Cl.: 52

United States Patent and Trademark Office

Reg. No. 1,805,051

Registered Nov. 16, 1993

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH SENSITIVE

SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA, P.O. BOX 7929
PHILADELPHIA, PA 19101

FOR: TOOTHPASTE, IN CLASS 3 (U.S. CL.
52).

FIRST USE 8-0-1992; IN COMMERCE
8-0-1992.

OWNER OF U.S. REG. NOS. 1,038,376,
1,097,151, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SENSITIVE", APART FROM
THE MARK AS SHOWN.

SN 74-289,730, FILED 6-26-1992.

LYNN A. LUTHEY, EXAMINING ATTORNEY



United States Patent and Trademark Office

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TARR Status	ASSIGN Status	TDR	TTAB Status
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 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	AQUAFRESH SENSITIVE
Goods and Services	IC 003. US 052. G & S: toothpaste. FIRST USE: 19920800. FIRST USE IN COMMERCE: 19920800
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74289730
Filing Date	June 26, 1992
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	December 29, 1992
Registration Number	1805051
Registration Date	November 16, 1993
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza, P.O. Box 7929 Philadelphia PENNSYLVANIA 19101
Attorney of Record	Teresa M. Hechmer
Prior Registrations	1038376;1097151;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SENSITIVE" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040123.
Renewal	1ST RENEWAL 20040123
Live/Dead Indicator	LIVE

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Serial Number: 74289730 Assignment Information Trademark Document Retrieval

Registration Number: 1805051

Mark (words only): AQUAFRESH SENSITIVE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-01-23

Filing Date: 1992-06-26

Transformed into a National Application: No

Registration Date: 1993-11-16

Register: Principal

Law Office Assigned: LAW OFFICE 5

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-09-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza, P.O. Box 7929
Philadelphia, PA 19101
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

toothpaste

Basis: 1(a)

First Use Date: 1992-08-00

First Use in Commerce Date: 1992-08-00

ADDITIONAL INFORMATION

Disclaimer: "SENSITIVE"

Prior Registration Number(s):

1038376

1097151

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-11 - Case File In TIGRS

2004-01-23 - First renewal 10 year

2004-01-23 - Section 8 (10-year) accepted/ Section 9 granted

2003-11-14 - Combined Section 8 (10-year)/Section 9 filed

2003-11-14 - TEAS Section 8 & 9 Received

1999-08-20 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-03-16 - Section 8 (6-year) and Section 15 Filed

1993-11-16 - Registered - Principal Register

1993-08-21 - Allowed for Registration - Principal Register (SOU accepted)

1993-08-20 - Assigned To Examiner

1993-08-05 - Statement of use processing complete

1993-08-05 - Extension 1 granted

1993-06-14 - Amendment to use informal response received

1993-06-14 - Extension 1 filed

1993-05-28 - Amendment to use held informal - letter mailed
1993-05-28 - Extension 1 Denial letter mailed
1993-05-28 - Extension 1 Denial letter
1993-04-15 - Extension 1 filed
1993-04-15 - Amendment to Use filed
1993-03-23 - Notice of allowance - mailed
1992-12-29 - Published for opposition
1992-11-27 - Notice of publication
1992-10-05 - Approved for Pub - Principal Register (Initial exam)
1992-09-29 - Examiner's amendment mailed
1992-09-28 - Assigned To Examiner
1992-09-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Teresa M. Hechmer

Correspondent

CHRISTOPHER SIDOTI
SMITHKLINE BEECHAM CORPORATION CORP IP
TRADEMARKS (UW2221)
709 SWEDELAND RD
KING OF PRUSSIA PA 19406

Exhibit D

Int. Cls.: 3 and 21

**Prior U.S. Cls.: 1, 2, 4, 6, 13, 23, 29, 30, 33, 40,
50, 51, and 52**

Reg. No. 2,304,437

United States Patent and Trademark Office

Registered Dec. 28, 1999

**TRADEMARK
PRINCIPAL REGISTER**

AQUA

**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101**

**FOR: TOOTHPASTE, IN CLASS 3 (U.S. CLS.
1, 4, 6, 50, 51 AND 52).**

**FIRST USE 8-1-1999; IN COMMERCE
8-1-1999.**

**FOR: TOOTHBRUSHES, IN CLASS 21 (U.S.
CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).**

**FIRST USE 8-1-1999; IN COMMERCE
8-1-1999.**

**OWNER OF U.S. REG. NOS. 1,006,820,
1,662,981, AND OTHERS.**

SN 75-095,460, FILED 4-29-1996.

STEVEN R. FINE, EXAMINING ATTORNEY



United States Patent and Trademark Office

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[FIRST DOC](#) [PREV DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 9 out of 9**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark AQUA
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: toothpaste. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801

IC 021. US 002 013 023 029 030 033 040 050. G & S: toothbrushes. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801

Mark Drawing Code (1) TYPED DRAWING**Serial Number** 75095460**Filing Date** April 29, 1996**Current Filing Basis** 1A**Original Filing Basis** 1B**Published for Opposition** December 3, 1996**Registration Number** 2304437**Registration Date** December 28, 1999**Owner** (REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101**Prior Registrations** 1006820;1038376;1662981;AND OTHERS**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).**Live/Dead Indicator** LIVE[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [CURR LIST](#)

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This page was generated by the TARR system on 2008-04-04 15:45:27 ET

Serial Number: 75095460 Assignment Information Trademark Document Retrieval

Registration Number: 2304437

Mark (words only): AQUA

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-08-04

Filing Date: 1996-04-29

Transformed into a National Application: No

Registration Date: 1999-12-28

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-08-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza
Philadelphia, PA 19101
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

toothpaste

Basis: 1(a)

First Use Date: 1999-08-01

First Use in Commerce Date: 1999-08-01

International Class: 021

Class Status: Active

toothbrushes

Basis: 1(a)

First Use Date: 1999-08-01

First Use in Commerce Date: 1999-08-01

ADDITIONAL INFORMATION

Prior Registration Number(s):

1006820

1038376

1662981

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-08-04 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-06-02 - Case File In TICSRS

2006-05-12 - Section 8 (6-year) and Section 15 Filed

2006-05-12 - TEAS Section 8 & 15 Received

1999-12-28 - Registered - Principal Register

1999-11-02 - Allowed for Registration - Principal Register (SOU accepted)

1999-10-29 - Assigned To Examiner

1999-10-28 - Statement of use processing complete

1999-09-30 - Amendment to Use filed

1999-08-25 - Extension 5 granted

1999-07-27 - Extension 5 filed

1999-02-19 - Extension 4 granted
1999-01-27 - Extension 4 filed
1998-07-30 - Extension 3 granted
1998-07-15 - Extension 3 filed
1998-03-24 - Extension 2 granted
1998-02-11 - Extension 2 filed
1997-07-31 - Extension 1 granted
1997-07-10 - Extension 1 filed
1997-02-25 - Notice of allowance - mailed
1996-12-03 - Published for opposition
1996-11-01 - Notice of publication
1996-10-07 - Approved for Pub - Principal Register (Initial exam)
1996-10-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
CHRISTOPHER A SISOTI
GLAXOSMITHKLINE
709 SWEDELAND RD.
KING OF PRUSSIA, PA 19406-0939

Exhibit E

Int. Cl.: 21

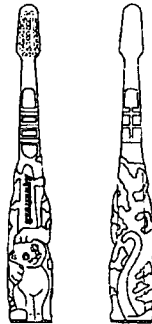
Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

United States Patent and Trademark Office

Reg. No. 2,706,176

Registered Apr. 15, 2003

**TRADEMARK
PRINCIPAL REGISTER**



**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101**

**FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).**

FIRST USE 9-30-2000; IN COMMERCE 9-30-2000.

**OWNER OF U.S. REG. NOS. 1,006,821, 2,276,630
AND OTHERS.**

**THE MARK CONSISTS OF THE WORD "AQUA-
FRESH" AND THE CONFIGURATION OF A
TOOTHBRUSH WHICH HAS A HANDLE IN THE
SHAPE OF A CAT WITH A BABY CAT STANDING
IN FRONT; THE DRAWING DEPICTS BOTH THE
FRONT AND BACK VIEWS OF THE DESIGN
MARK.**

SER. NO. 76-242,063, FILED 4-17-2001.

**SAMUEL E. SHARPER JR., EXAMINING ATTOR-
NEY**



United States Patent and Trademark Office

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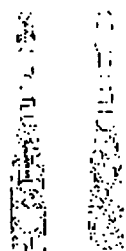
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Word Mark AQUAFRESH
Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Toothbrushes. FIRST USE: 20000930. FIRST USE IN COMMERCE: 20000930
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 10.05.01 - Tooth brushes
Serial Number 76242063
Filing Date April 17, 2001
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 21, 2003
Registration Number 2706176
Registration Date April 15, 2003
Owner (REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101
Attorney of Record Christopher A. Sidoti
Prior Registrations 1006821;1662981;2276630;AND OTHERS
Description of The mark consists of the word "AQUAFRESH" and the configuration of a toothbrush which has a

Mark handle in the shape of a cat with a baby cat standing in front; the drawing depicts both the front and back views of the design mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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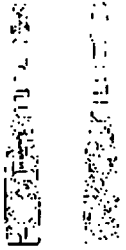
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Serial Number: 76242063 Assignment Information Trademark Document Retrieval

Registration Number: 2706176

Mark



(words only): AQUAFRESH

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-04-15

Filing Date: 2001-04-17

Transformed into a National Application: No

Registration Date: 2003-04-15

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-03-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19101

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

Phone Number: (610) 270-4472

Fax Number: (610) 270-4440

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

Toothbrushes

Basis: 1(a)

First Use Date: 2000-09-30

First Use in Commerce Date: 2000-09-30

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the word "AQUAFRESH" and the configuration of a toothbrush which has a handle in the shape of a cat with a baby cat standing in front; the drawing depicts both the front and back views of the design mark.

Design Search Code(s):

10.05.01 - Tooth brushes

Prior Registration Number(s):

1006821

1662981

2276630

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-31 - Case File In TIGRS

2003-04-15 - Registered - Principal Register

2003-01-21 - Published for opposition

2003-01-01 - Notice of publication

2002-11-14 - Approved for Pub - Principal Register (Initial exam)

2002-11-07 - Petition To Director - Granted
2002-08-26 - Petition To Director Received
2002-08-26 - PAPER RECEIVED
2002-05-02 - Final refusal mailed
2002-01-31 - Communication received from applicant
2001-07-31 - Non-final action mailed
2001-07-17 - Assigned To Examiner
2001-06-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

CHRISTOPHER A. SIDOTI
GLAXOSMITHKLINE
709 SWEDELAND ROAD
KING OF PRUSSIA PA 19406
Phone Number: (610) 270-4472
Fax Number: (610) 270-4440

Exhibit F

Int. Cl.: 21

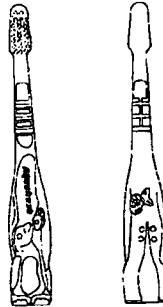
Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,699,482

United States Patent and Trademark Office

Registered Mar. 25, 2003

**TRADEMARK
PRINCIPAL REGISTER**



SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-30-2000; IN COMMERCE 9-30-2000.

OWNER OF U.S. REG. NOS. 1,006,821, 2,276,630
AND OTHERS.

THE MARK CONSISTS OF THE WORD "AQUA-
FRESH" AND THE CONFIGURATION OF A
TOOTHBRUSH WHICH HAS A HANDLE IN THE
SHAPE OF A PENGUIN WITH A BABY PENGUIN
STANDING IN FRONT; THE DRAWING DEPICTS
BOTH THE FRONT AND BACK VIEWS OF THE
DESIGN MARK.

SER. NO. 76-241,924, FILED 4-17-2001.

SAMUEL E. SHARPER JR., EXAMINING ATTOR-
NEY



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 4 04:12:56 EDT 2008

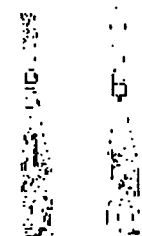
TESS HOME NEW USER SEARCHED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP CURR LIST

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TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark AQUAFRESH
Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Toothbrushes. FIRST USE: 20000930. FIRST USE IN COMMERCE: 20000930
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 03.01.26 - Costumed cats, dogs, wolves, foxes, bears and those with human attributes
 03.03.05 - Giraffes
 10.05.01 - Tooth brushes
Serial Number 76241924
Filing Date April 17, 2001
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 31, 2002
Registration Number 2699482
Registration Date March 25, 2003
Owner (REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101
Attorney of

Record Christopher A. Sidoti
Prior Registrations 1006821;1662981;2276630;AND OTHERS
Description of Mark The mark consists of the word "AQUAFRESH" and the configuration of a toothbrush which has a handle in the shape of a penguin with a baby penguin standing in front; the drawing depicts both the front and back views of the design mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 76241924 Assignment Information Trademark Document Retrieval

Registration Number: 2699482

Mark



(words only): AQUAFRESH

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-03-25

Filing Date: 2001-04-17

Transformed into a National Application: No

Registration Date: 2003-03-25

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-03-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19101
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Pennsylvania
Phone Number: (610) 270-4472
Fax Number: (610) 270-4440

GOODS AND/OR SERVICES

International Class: 021
Class Status: Active
Toothbrushes
Basis: 1(a)
First Use Date: 2000-09-30
First Use in Commerce Date: 2000-09-30

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the word "AQUAFRESH" and the configuration of a toothbrush which has a handle in the shape of a penguin with a baby penguin standing in front; the drawing depicts both the front and back views of the design mark.

Design Search Code(s):

03.01.26 - Costumed cats, dogs, wolves, foxes, bears and those with human attributes

03.03.05 - Giraffes

10.05.01 - Tooth brushes

Prior Registration Number(s):

1006821

1662981

2276630

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-31 - Case File In TICRS

2003-03-25 - Registered - Principal Register

2002-12-31 - Published for opposition

2002-12-11 - Notice of publication

2002-10-24 - Approved for Pub - Principal Register (Initial exam)

2002-10-21 - Petition To Director - Granted

2002-08-26 - Petition To Director Received

2002-05-02 - Final refusal mailed

2002-01-31 - Communication received from applicant

2001-07-31 - Non-final action mailed

2001-07-12 - Assigned To Examiner

2001-06-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

CHRISTOPHER A. SIDOTI
GLAXOSMITHKLINE
709 SWEDELAND ROAD CIP
TRADEMARKS (UW2221)
KING OF PRUSSIA PA 19406
Phone Number: (610) 270-4472
Fax Number: (610) 270-4440

Exhibit G

Int. Cl.: 21

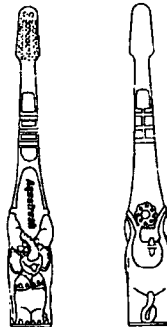
Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,706,175

United States Patent and Trademark Office

Registered Apr. 15, 2003

**TRADEMARK
PRINCIPAL REGISTER**



SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

OWNER OF U.S. REG. NOS. 1,006,821, 2,276,630
AND OTHERS.

SER. NO. 76-241,913, FILED 4-17-2001.

FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-30-2000; IN COMMERCE 9-30-2000.

SAMUEL E. SHARPER JR., EXAMINING ATTOR-
NEY



United States Patent and Trademark Office

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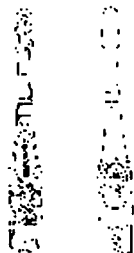
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Word Mark	AQUAFRESH
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: Toothbrushes. FIRST USE: 20000930. FIRST USE IN COMMERCE: 20000930
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.03.01 - Elephants; Mammoths; Mastodons 03.03.24 - Stylized Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas 10.05.01 - Tooth brushes
Serial Number	76241913
Filing Date	April 17, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 21, 2003
Registration Number	2706175
Registration Date	April 15, 2003
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101
Attorney of Record	Christopher A. Sidoti
Prior Registrations	1006821;1662981;2276630;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

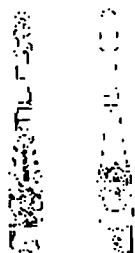
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Serial Number: 76241913 Assignment Information Trademark Document Retrieval

Registration Number: 2706175

Mark



(words only): AQUAFRESH

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-04-15

Filing Date: 2001-04-17

Transformed into a National Application: No

Registration Date: 2003-04-15

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-04-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19101
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Pennsylvania
Phone Number: (610) 270-4472
Fax Number: (610) 270-4440

GOODS AND/OR SERVICES

International Class: 021
Class Status: Active
Toothbrushes
Basis: 1(a)
First Use Date: 2000-09-30
First Use in Commerce Date: 2000-09-30

ADDITIONAL INFORMATION

Design Search Code(s):
03.03.01 - Elephants; Mammoths; Mastodons
03.03.24 - Stylized Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas
10.05.01 - Tooth brushes

Prior Registration Number(s):
1006821
1662981
2276630

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-02 - Case File In TICRS
2003-04-15 - Registered - Principal Register
2003-01-21 - Published for opposition
2003-01-01 - Notice of publication
2002-11-14 - Approved for Pub - Principal Register (Initial exam)
2002-11-07 - Petition To Director - Granted

2002-08-26 - Petition To Director Received
2002-08-26 - Petition To Director Received
2002-08-26 - PAPER RECEIVED
2002-05-02 - Final refusal mailed
2002-01-31 - Communication received from applicant
2001-07-31 - Non-final action mailed
2001-07-12 - Assigned To Examiner
2001-06-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

CHRISTOPHER A. SIDOTI
GLAXOSMITHKLINE
709 SWEDELAND ROAD CIP
TRADEMARKS (UW2221)
KING OF PRUSSIA PA 19406
Phone Number: (610) 270-4472
Fax Number: (610) 270-4440

Exhibit H

Int. Cl.: 21

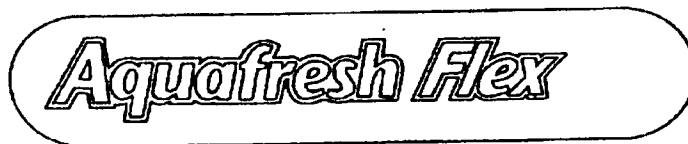
Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,587,675

United States Patent and Trademark Office

Registered July 2, 2002

**TRADEMARK
PRINCIPAL REGISTER**



SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 6-30-1999; IN COMMERCE 6-30-1999.

OWNER OF U.S. REG. NOS. 1,006,821, 1,906,569
AND OTHERS.

THE MARK CONSISTS OF THE STYLIZED
WORDS "AQUAFRESH FLEX" IN COLOR DARK
BLUE WITH WHITE OUTLINING; THESE WORDS
APPEAR ON A BLUISH-GREEN BACKGROUND IN
AN ELONGATED OVAL SHAPE.

SER. NO. 76-157,182, FILED 10-31-2000.

SAMUEL E. SHARPER JR., EXAMINING ATTOR-
NEY



United States Patent and Trademark Office

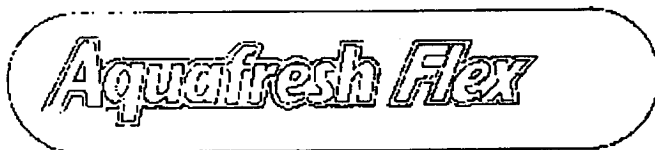
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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Word Mark	AQUAFRESH FLEX
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: Toothbrushes. FIRST USE: 19990630. FIRST USE IN COMMERCE: 19990630
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.26 - Oblongs as carriers for words, letters or designs
Serial Number	76157182
Filing Date	October 31, 2000
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 9, 2002
Registration Number	2587675
Registration Date	July 2, 2002
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101
Attorney of Record	Christopher A. Sidoti
Prior Registrations	1006821;1662981;1906569;AND OTHERS
Description of Mark	The mark consists of the stylized words "AQUAFRESH FLEX" in color dark blue with white outlining; these words appear on a bluish-green background in an elongated oval shape.

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead
Indicator LIVE

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Serial Number: 76157182 Assignment Information Trademark Document Retrieval

Registration Number: 2587675

Mark



(words only): AQUAFRESH FLEX

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-07-02

Filing Date: 2000-10-31

Transformed into a National Application: No

Registration Date: 2002-07-02

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-10-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19101

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

Toothbrushes

Basis: 1(a)

First Use Date: 1999-06-30

First Use in Commerce Date: 1999-06-30

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the stylized words "AQUAFRESH FLEX" in color dark blue with white outlining; these words appear on a bluish-green background in an elongated oval shape.

Design Search Code(s):

26.11.26 - Oblongs as carriers for words, letters or designs

Prior Registration Number(s):

1006821

1662981

1906569

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-19 - Case File In TIGRS

2002-07-02 - Registered - Principal Register

2002-04-09 - Published for opposition

2002-03-20 - Notice of publication

2001-11-08 - Approved for Pub - Principal Register (Initial exam)

2001-04-19 - Non-final action mailed

2001-04-18 - Assigned To Examiner

2001-03-23 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

CHRISTOPHER A. SIDOTI
SMITHKLINE BEECHAM CORP
709 SWEDELAND RD
KING OF PRUSSIA PA 19406-2799

Exhibit I

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

United States Patent and Trademark Office

Reg. No. 2,759,361

Registered Sep. 2, 2003

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH FLEX TIP MAX-ACTIVE

SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA, P.O. BOX 7929
PHILADELPHIA, PA 19101

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TIP", APART FROM THE MARK
AS SHOWN.

FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).

SN 76-052,171, FILED 5-19-2000.

FIRST USE 9-30-2000; IN COMMERCE 9-30-2000.

OWNER OF U.S. REG. NOS. 1,662,981, 2,005,754,
AND OTHERS.

SAMUEL E. SHARPER JR., EXAMINING ATTOR-
NEY



United States Patent and Trademark Office

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TARR Status	ASSIGN Status	TDR	TTAB Status
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 (Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

Word Mark	AQUAFRESH FLEX TIP MAX-ACTIVE
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: toothbrushes. FIRST USE: 20000930. FIRST USE IN COMMERCE: 20000930
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76052171
Filing Date	May 19, 2000
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 22, 2002
Registration Number	2759361
Registration Date	September 2, 2003
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza, P.O. Box 7929 Philadelphia PENNSYLVANIA 19101
Attorney of Record	Christopher A. Sidoti
Prior Registrations	1662981;1992930;2005754;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TIP" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 76052171 Assignment Information Trademark Document Retrieval

Registration Number: 2759361

Mark (words only): AQUAFRESH FLEX TIP MAX-ACTIVE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-09-02

Filing Date: 2000-05-19

Transformed into a National Application: No

Registration Date: 2003-09-02

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-07-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza, P.O. Box 7929
Philadelphia, PA 19101
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

toothbrushes

Basis: 1(a)

First Use Date: 2000-09-30

First Use in Commerce Date: 2000-09-30

ADDITIONAL INFORMATION

Disclaimer: "TIP"

Prior Registration Number(s):

1662981

1992930

2005754

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-07-05 - Case File In TICSRS

2003-09-02 - Registered - Principal Register

2003-06-30 - Allowed for Registration - Principal Register (SOU accepted)

2003-06-19 - Statement of use processing complete

2002-10-15 - Amendment to Use filed

2003-04-02 - TEAS Extension Received

2002-12-10 - Extension 1 granted

2002-10-15 - Extension 1 filed

2002-10-15 - PAPER RECEIVED

2002-04-16 - Notice of allowance - mailed

2002-01-22 - Published for opposition

2002-01-02 - Notice of publication

2001-09-10 - Approved for Pub - Principal Register (Initial exam)

2001-09-07 - Examiner's amendment mailed

2001-03-14 - Communication received from applicant

2000-11-17 - Non-final action mailed

2000-11-07 - Assigned To Examiner

2000-10-31 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

CHRISTOPHER A. SIDOTI
SMITHKLINE BEECHAM CORP
CORP INTELLECTUAL PROPERTY TRADEMARKS US
709 SWEDELAND ROAD - UW2221
KING OF PRUSSIA, PENNSYLVANIA 19406

Exhibit J

Int. Cl.: 21

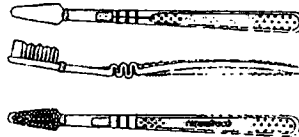
Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,754,841

United States Patent and Trademark Office

Registered Aug. 26, 2003

**TRADEMARK
PRINCIPAL REGISTER**



SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
P.O. BOX 7929
PHILADELPHIA, PA 19101

FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 7-15-1990; IN COMMERCE 7-15-1990.

OWNER OF U.S. REG. NOS. 1,662,981, 2,299,454 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE REPRESENTATION OF THE FUNCTIONALITY OF THE FLEXIBLE HEAD, APART FROM THE MARK AS SHOWN.

THE STIPPLING IN THE MARK IS INTENDED TO REPRESENT A COLOR OTHER THAN WHITE.

THE MARK IS CONSISTS OF "AQUAFRESH" AND THE THREE-DIMENSIONAL, OVERALL APPEARANCE OF A TOOTHBRUSH FEATURING A WHITE BACKGROUND COLOR, A COLORED

BAND JUST BELOW THE BRISTLES, AND ON THE FRONT: COLORED INSERTS, THE LARGER OF WHICH HAS RAISED CIRCULAR BUMPS ON THE TOP AND BOTTOM, THREE WHITE STRIPES SEPARATED BY TWO THINNER COLORED STRIPES; ON THE BACK: COLORED INSERTS, THE LARGER OF WHICH HAS RAISED CIRCULAR BUMPS ON THE TOP AND BOTTOM, TWO WHITE STRIPES SEPARATED BY THREE THINNER COLORED STRIPES, A VERTICAL COLORED LINE RUNNING FROM THE LARGE INSERT, THROUGH THE THREE STRIPES TO THE BOTTOM OF THE SMALLER INSERTS; AND, ON THE SIDE: A SERPENTINE, REPEATED "S" DESIGN ON THE SIDE OF THE TOOTHBRUSH (TOWARDS THE TOP OF THE HANDLE) WITH A COLORED STRIPE RUNNING THROUGH THE "S" DESIGN, AND A BOWED HANDLE.

SEC. 2(F).

SER. NO. 76-035,013, FILED 4-21-2000.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 4 04:12:56 EDT 2008

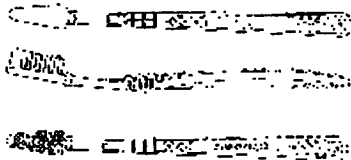
[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Data](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)[Logout](#)

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Record 1 out of 1

[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)

**Word Mark** AQUAFRESH**Goods and Services** IC 021. US 002 013 023 029 030 033 040 050. G & S: toothbrushes. FIRST USE: 19900715. FIRST USE IN COMMERCE: 19900715**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 10.05.01 - Tooth brushes**Serial Number** 76035013**Filing Date** April 21, 2000**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** January 8, 2002**Registration Number** 2754841**Registration Date** August 26, 2003**Owner** (REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza P.O. Box 7929 Philadelphia PENNSYLVANIA 19101**Attorney of Record** GARY D KRUGMAN**Prior Registrations** 1662981;2276630;2299454;AND OTHERS**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE the representation of the functionality of

the flexible head APART FROM THE MARK AS SHOWN

Description of Mark The mark is consists of "AQUAFRESH" and the three-dimensional, overall appearance of a toothbrush featuring a white background color, a colored band just below the bristles, and on the FRONT: colored inserts, the larger of which has raised circular bumps on the top and bottom, three white stripes separated by two thinner colored stripes; on the BACK: colored inserts, the larger of which has raised circular bumps on the top and bottom, two white stripes separated by three thinner colored stripes, a vertical colored line running from the large insert, through the three stripes to the bottom of the smaller inserts; and, on the SIDE: a serpentine, repeated "S" design on the side of the toothbrush (towards the top of the handle) with a colored stripe running through the "S" design, and a bowed handle. The stippling in the mark is intended to represent a color other than white.

Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

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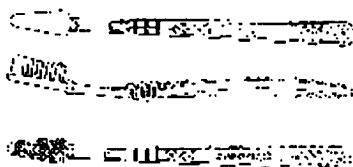
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This page was generated by the TARR system on 2008-04-04 15:52:52 ET

Serial Number: 76035013 Assignment Information Trademark Document Retrieval

Registration Number: 2754841

Mark



(words only): AQUAFRESH

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-08-26

Filing Date: 2000-04-21

Transformed into a National Application: No

Registration Date: 2003-08-26

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-07-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza P.O. Box 7929

Philadelphia, PA 19101
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 021
Class Status: Active
toothbrushes
Basis: 1(a)
First Use Date: 1990-07-15
First Use in Commerce Date: 1990-07-15

ADDITIONAL INFORMATION

Disclaimer: the representation of the functionality of the flexible head

Description of Mark: The mark is consists of "AQUAFRESH" and the three-dimensional, overall appearance of a toothbrush featuring a white background color, a colored band just below the bristles, and on the FRONT: colored inserts, the larger of which has raised circular bumps on the top and bottom, three white stripes separated by two thinner colored stripes; on the BACK: colored inserts, the larger of which has raised circular bumps on the top and bottom, two white stripes separated by three thinner colored stripes, a vertical colored line running from the large insert, through the three stripes to the bottom of the smaller inserts; and, on the SIDE: a serpentine, repeated "S" design on the side of the toothbrush (towards the top of the handle) with a colored stripe running through the "S" design, and a bowed handle.

Lining and Stippling: The stippling in the mark is intended to represent a color other than white.

Section 2(f)

Design Search Code(s):
10.05.01 - Tooth brushes

Prior Registration Number(s):
1662981
2276630
2299454

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-07-02 - Case File In TICRS
2003-08-26 - Registered - Principal Register
2002-01-17 - Extension Of Time To Oppose Received
2002-01-08 - Published for opposition
2001-12-19 - Notice of publication
2001-08-23 - Approved for Pub - Principal Register (Initial exam)
2001-08-16 - Examiner's amendment mailed
2001-01-29 - Communication received from applicant
2000-07-21 - Non-final action mailed
2000-07-13 - Assigned To Examiner
2000-05-24 - Petition To Director - Granted
2000-04-21 - Petition To Director Received

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
GARY D KRUGMAN

Correspondent
GARY D KRUGMAN
SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVE NW
WASHINGTON DC 20037-3202

Exhibit K

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,314,839

Registered Feb. 1, 2000

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH ALL

SMITHKLINE BEECHAM CORPORATION (PENN-
SYLVANIA CORPORATION)
ONE FRANKLIN PLAZA, P.O. BOX 7929
PHILADELPHIA, PA 19101

FIRST USE 5-24-1999; IN COMMERCE 5-24-1999.
OWNER OF U.S. REG. NOS. 1,006,821, 1,038,376,
AND OTHERS.

FOR: TOOTHPASTE, IN CLASS 3 (U.S. CLS. 1,
4, 6, 50, 51 AND 52).

SN 75-191,007, FILED 11-1-1996.

MARY ROSSMAN, EXAMINING ATTORNEY



United States Patent and Trademark Office

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[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)*

AQUAFRESH-ALL

Word Mark	AQUAFRESH- ALL
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: toothpaste. FIRST USE: 19990524. FIRST USE IN COMMERCE: 19990524
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	75191007
Filing Date	November 1, 1996
Current Filing Basis	UNKNOWN
Original Filing Basis	1B
Published for Opposition	March 25, 1997
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	2314839
Registration Date	February 1, 2000
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza, P.O. Box 7929 Philadelphia PENNSYLVANIA 19101
Attorney of Record	CHRISTOPHER A SIDOTI
Prior Registrations	1006821;1038376;AND OTHERS
Type of Mark	TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICTIONARY	SEARCH LOG	TOP	HELP	CONTACT US	CURRENT LIST
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Serial Number: 75191007 Assignment Information Trademark Document Retrieval

Registration Number: 2314839

Mark

AQUAFRESH-ALL

(words only): AQUAFRESH- ALL

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2005-12-16

Filing Date: 1996-11-01

Transformed into a National Application: No

Registration Date: 2000-02-01

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-05-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza, P.O. Box 7929

Philadelphia, PA 19101

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

toothpaste

No Filing Basis Claimed

First Use Date: 1999-05-24

First Use in Commerce Date: 1999-05-24

ADDITIONAL INFORMATION

Prior Registration Number(s):

1006821

1038376

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-05-27 - Case File In TIGRS

2005-12-16 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-12-16 - Assigned To Paralegal

2005-08-30 - Section 8 (6-year) and Section 15 Filed

2005-08-30 - TEAS Section 8 & 15 Received

2001-09-29 - Section 7 amendment issued

2001-07-24 - Section 7 amendment issued

2001-05-31 - Section 7 amendment issued

2001-05-09 - Response received for Post Registration action

2001-04-16 - Post Registration action mailed - Section 7
2001-03-21 - Section 7 amendment filed
2000-02-01 - Registered - Principal Register
1999-11-15 - Allowed for Registration - Principal Register (SOU accepted)
1999-11-12 - Assigned To Examiner
1999-10-20 - Statement of use processing complete
1999-09-20 - Amendment to Use filed
1999-06-21 - Extension 4 granted
1999-05-27 - Extension 4 filed
1998-11-25 - Extension 3 granted
1998-11-25 - Extension 3 filed
1998-06-03 - Extension 2 granted
1998-05-14 - Extension 2 filed
1998-01-14 - Extension 1 granted
1997-12-02 - Extension 1 filed
1997-06-17 - Notice of allowance - mailed
1997-03-25 - Published for opposition
1997-02-21 - Notice of publication
1997-01-21 - Approved for Pub - Principal Register (Initial exam)
1997-01-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CHRISTOPHER A SIDOTI

CorrespondentCHRISTOPHER A SIDOTI
GLAXOSMITHKLINE
UW2221
709 SWEDELAND ROAD

Exhibit L

Int. Cls.: 3 and 30

Prior U.S. Cls.: 1, 4, 6, 46, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,615,649

Registered Sep. 3, 2002

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH EXTREME CLEAN

**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
P.O. BOX 7929
PHILADELPHIA, PA 19101**

**OWNER OF U.S. REG. NOS. 1,006,821, 1,954,329,
AND OTHERS.**

**FOR: TOOTHPASTE, IN CLASS 3 (U.S. CLS. 1, 4, 6,
50, 51 AND 52).**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CLEAN", APART FROM THE
MARK AS SHOWN.**

FIRST USE 5-20-2002; IN COMMERCE 5-20-2002.

SN 75-567,009, FILED 10-7-1998.

FOR: CHEWING GUM, IN CLASS 30 (U.S. CL. 46).

FIRST USE 5-20-2002; IN COMMERCE 5-20-2002.

MARY ROSSMAN, EXAMINING ATTORNEY

**United States Patent and Trademark Office**

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TARR Status	ASSIGN Status	TDR	TTAB Status
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 (Use the "Back" button of the Internet Browser to return to TESS)
Typed Drawing

Word Mark	AQUAFRESH EXTREME CLEAN
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: toothpaste. FIRST USE: 20020520. FIRST USE IN COMMERCE: 20020520
	IC 030. US 046. G & S: chewing gum. FIRST USE: 20020520. FIRST USE IN COMMERCE: 20020520
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75567009
Filing Date	October 7, 1998
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	June 22, 1999
Registration Number	2615649
Registration Date	September 3, 2002
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza P.O. Box 7929 Philadelphia PENNSYLVANIA 19101
Attorney of Record	Christopher A. Sidoti
Prior Registrations	1006821;1951495;1954329;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLEAN" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	

Indicator **LIVE**

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP		CURR LIST
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Serial Number: 75567009 Assignment Information Trademark Document Retrieval

Registration Number: 2615649

Mark (words only): AQUAFRESH EXTREME CLEAN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-09-03

Filing Date: 1998-10-07

Transformed into a National Application: No

Registration Date: 2002-09-03

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-01-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza P.O. Box 7929
Philadelphia, PA 19101
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

toothpaste

Basis: 1(a)

First Use Date: 2002-05-20

First Use in Commerce Date: 2002-05-20

International Class: 030

Class Status: Active

chewing gum

Basis: 1(a)

First Use Date: 2002-05-20

First Use in Commerce Date: 2002-05-20

ADDITIONAL INFORMATION

Disclaimer: "CLEAN"

Prior Registration Number(s):

1006821

1951495

1954329

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-15 - Case File In TICRS

2002-09-03 - Registered - Principal Register

2002-06-26 - Allowed for Registration - Principal Register (SOU accepted)

2002-06-17 - Statement of use processing complete

2002-05-17 - Amendment to Use filed

2002-05-22 - PAPER RECEIVED

2002-02-28 - Extension 5 granted

2002-02-15 - Extension 5 filed

2001-09-14 - Extension 4 granted

2001-09-04 - Extension 4 filed

2001-03-14 - Extension 3 granted
2001-02-15 - Extension 3 filed
2000-10-22 - Extension 2 granted
2000-08-28 - Extension 2 filed
2000-04-27 - Extension 1 granted
2000-03-02 - Extension 1 filed
1999-09-14 - Notice of allowance - mailed
1999-06-22 - Published for opposition
1999-05-21 - Notice of publication
1999-03-12 - Approved for Pub - Principal Register (Initial exam)
1999-03-04 - Examiner's amendment mailed
1999-03-03 - Assigned To Examiner
1999-02-12 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

CHRISTOPHER A. SIDOTI
SMITHKLINE BEECHAM CORPORATION
L-CORP INTELLECTUAL PROP (TRADEMARK) US
709 SWEDELAND ROAD - UW2221
KING OF PRUSSIA PA 19406

Exhibit M

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,811,892

Registered Feb. 3, 2004

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH AQUABLAST

**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101**

**OWNER OF U.S. REG. NOS. 1,006,820, 2,304,437,
AND OTHERS.**

**FOR: TOOTHBRUSH CLEANERS AND ORAL
APPLIANCE CLEANERS, IN CLASS 3 (U.S. CLS. 1,
4, 6, 50, 51 AND 52).**

SN 78-230,080, FILED 3-26-2003.

FIRST USE 8-18-2003; IN COMMERCE 8-18-0203.

**APRIL L. RADEMACHER, EXAMINING ATTOR-
NEY**



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Typed Drawing

Word Mark	AQUAFRESH AQUABLAST
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: toothbrush cleaners and oral appliance cleaners. FIRST USE: 20030818. FIRST USE IN COMMERCE: 20030818
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78230080
Filing Date	March 26, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 29, 2003
Registration Number	2811892
Registration Date	February 3, 2004
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101
Attorney of Record	Christopher A. Sidoti
Prior Registrations	1006820;1006821;2304437;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 78230080 Assignment Information Trademark Document Retrieval

Registration Number: 2811892

Mark (words only): AQUAFRESH AQUABLAST

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-02-03

Filing Date: 2003-03-26

Transformed into a National Application: No

Registration Date: 2004-02-03

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-02-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza
Philadelphia, PA 19101
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

Phone Number: (610) 270-6173

Fax Number: (610) 270-7177

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

toothbrush cleaners and oral appliance cleaners

Basis: 1(a)

First Use Date: 2003-08-18

First Use in Commerce Date: 2003-08-18

ADDITIONAL INFORMATION

Prior Registration Number(s):

1006820

1006821

2304437

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-02-03 - Registered - Principal Register

2003-12-12 - Allowed for Registration - Principal Register (SOU accepted)

2003-11-21 - Assigned To Examiner

2003-11-20 - Statement of use processing complete

2003-11-07 - Amendment to Use filed

2003-11-07 - TEAS Statement of Use Received

2003-11-07 - TEAS Extension Received

2003-10-21 - Notice of allowance - mailed

2003-07-29 - Published for opposition

2003-07-09 - Notice of publication

2003-06-02 - Approved for Pub - Principal Register (Initial exam)

2003-06-02 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

Christopher A. Sidoti

GlaxoSmithKline

709 Swedeland Road UW2221

King of Prussia PA USA 19406

Phone Number: (610) 270-6173

Fax Number: (610) 270-7177

Exhibit N

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

United States Patent and Trademark Office

Reg. No. 3,058,216

Registered Feb. 7, 2006

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH XTENSIVE

**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101**

**FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).**

FIRST USE 2-1-2005; IN COMMERCE 2-1-2005.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NOS. 2,699,482, 2,814,290,
AND OTHERS.**

SN 78-393,676, FILED 3-31-2004.

DANIEL BRODY, EXAMINING ATTORNEY



United States Patent and Trademark Office

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AQUAFRESH XTENSIVE

Word Mark AQUAFRESH XTENSIVE

Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Toothbrushes. FIRST USE: 20050201. FIRST USE IN COMMERCE: 20050201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78393676

Filing Date March 31, 2004

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition March 15, 2005

Registration Number 3058216

Registration Date February 7, 2006

Owner (REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101

Attorney of Record Christopher A. Sidoti

Prior Registrations 2699482;2759361;2814290;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 78393676 Assignment Information Trademark Document Retrieval

Registration Number: 3058216

Mark

AQUAFRESH XTENSIVE

(words only): AQUAFRESH XTENSIVE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-02-07

Filing Date: 2004-03-31

Transformed into a National Application: No

Registration Date: 2006-02-07

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-12-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19101
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 021
Class Status: Active
Toothbrushes
Basis: 1(a)
First Use Date: 2005-02-01
First Use in Commerce Date: 2005-02-01

ADDITIONAL INFORMATION

Prior Registration Number(s):
2699482
2759361
2814290

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-02-07 - Registered - Principal Register
2005-12-23 - Law Office Registration Review Completed
2005-12-09 - Assigned To LIE
2005-12-04 - Allowed for Registration - Principal Register (SOU accepted)
2005-12-02 - Statement of use processing complete
2005-12-02 - Extension 1 granted
2005-11-16 - Amendment to Use filed
2005-11-16 - Extension 1 filed
2005-11-16 - TEAS Extension Received

2005-11-16 - TEAS Statement of Use Received
2005-06-07 - Notice of allowance - mailed
2005-03-15 - Published for opposition
2005-02-23 - Notice of publication
2004-12-08 - Law Office Publication Review Completed
2004-11-01 - Assigned To LIE
2004-10-22 - Approved for Pub - Principal Register (Initial exam)
2004-10-20 - Assigned To Examiner
2004-04-08 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

Christopher A. Sidoti

GlaxoSmithKline

UW2221

709 Swedeland Road

King of Prussia, PA 19406-0939

Phone Number: 610-270-6173

Fax Number: 610-270-7177

Exhibit O

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,218,965

Registered Mar. 13, 2007

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH WHITE & SHINE

SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19102

OWNER OF U.S. REG. NOS. 1,006,821, 2,985,544,
AND OTHERS.

FOR: ORAL CARE PREPARATIONS, NAMELY
DENTAL GELS, DENTIFRICES, IN CLASS 3 (U.S.
CLS. 1, 4, 6, 50, 51 AND 52).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "WHITE", APART FROM THE
MARK AS SHOWN.

FIRST USE 2-28-2006; IN COMMERCE 2-28-2006.

SN 78-742,205, FILED 10-28-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

STEPHANIE DAVIS, EXAMINING ATTORNEY

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Please logout when you are done to release system resources allocated for you.

Record 1 out of 1[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***AQUAFRESH WHITE & SHINE****Word Mark** AQUAFRESH WHITE & SHINE**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Oral care preparations, namely dental gels, dentifrices. FIRST USE: 20060228. FIRST USE IN COMMERCE: 20060228**Standard Characters**
Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 78742205**Filing Date** October 28, 2005**Current Filing Basis** 1A**Original Filing Basis** 1B**Published for**
Opposition July 4, 2006**Registration Number** 3218965**Registration Date** March 13, 2007**Owner** (REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19102**Attorney of Record** Terence A. Dixon**Prior Registrations** 1006821;2503053;2985544;AND OTHERS**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WHITE" APART FROM THE MARK AS SHOWN**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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This page was generated by the TARR system on 2008-04-04 15:57:25 ET

Serial Number: 78742205 Assignment Information Trademark Document Retrieval

Registration Number: 3218965

Mark

AQUAFRESH WHITE & SHINE

(words only): AQUAFRESH WHITE & SHINE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-03-13

Filing Date: 2005-10-28

Transformed into a National Application: No

Registration Date: 2007-03-13

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-02-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19102

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Oral care preparations, namely dental gels, dentifrices

Basis: 1(a)

First Use Date: 2006-02-28

First Use in Commerce Date: 2006-02-28

ADDITIONAL INFORMATION

Disclaimer: "WHITE"

Prior Registration Number(s):

1006821

2503053

2985544

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-03-13 - Registered - Principal Register

2007-02-19 - Attorney Revoked And/Or Appointed

2007-02-19 - TEAS Revoke/Appoint Attorney Received

2007-02-01 - Law Office Registration Review Completed

2007-02-01 - Assigned To LIE

2006-12-30 - Allowed for Registration - Principal Register (SOU accepted)

2006-12-16 - Statement of use processing complete

2006-10-30 - Amendment to Use filed

2006-11-28 - Attorney Revoked And/Or Appointed
2006-11-28 - TEAS Revoke/Appoint Attorney Received
2006-10-30 - TEAS Statement of Use Received
2006-09-26 - Notice of allowance - mailed
2006-07-04 - Published for opposition
2006-06-14 - Notice of publication
2006-05-16 - Law Office Publication Review Completed
2006-05-12 - Assigned To LIE
2006-05-03 - Approved for Pub - Principal Register (Initial exam)
2006-05-03 - Examiner's Amendment Entered
2006-05-03 - EXAMINERS AMENDMENT E-MAILED
2006-05-03 - Examiners Amendment -Written
2005-12-14 - Non-final action e-mailed
2005-12-14 - Non-Final Action Written
2005-12-14 - Assigned To Examiner
2005-11-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Terence A. Dixon

Correspondent

Terence A. Dixon

GlaxoSmithKline

UW2221

709 Swedeland Road

King of Prussia PA 19406

Phone Number: 610-270-4121

Fax Number: 610-270-7177

Exhibit P

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 3,110,249

United States Patent and Trademark Office

Registered June 27, 2006

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH IMPACT

SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)
ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19101

FOR: TOOTHPASTE, IN CLASS 3 (U.S. CLS. 1, 4, 6,
50, 51 AND 52).

FIRST USE 2-7-2005; IN COMMERCE 2-7-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,006,821, 2,820,508,
AND OTHERS.

SN 78-440,441, FILED 6-24-2004.

JAMES GRIFFIN, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

AQUAFRESH IMPACT

Word Mark	AQUAFRESH IMPACT
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Toothpaste. FIRST USE: 20050207. FIRST USE IN COMMERCE: 20050207
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78440441
Filing Date	June 24, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 6, 2005
Registration Number	3110249
Registration Date	June 27, 2006
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101
Attorney of Record	Christopher A. Sidoti
Prior Registrations	1006821;2811892;2820508;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 78440441 Assignment Information Trademark Document Retrieval

Registration Number: 3110249

Mark

AQUAFRESH IMPACT

(words only): AQUAFRESH IMPACT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-06-27

Filing Date: 2004-06-24

Transformed into a National Application: No

Registration Date: 2006-06-27

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-05-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19101
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 003
Class Status: Active
Toothpaste
Basis: 1(a)
First Use Date: 2005-02-07
First Use in Commerce Date: 2005-02-07

ADDITIONAL INFORMATION

Prior Registration Number(s):
1006821
2811892
2820508

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-06-27 - Registered - Principal Register
2006-05-16 - Law Office Registration Review Completed
2006-05-12 - Assigned To LIE
2006-05-05 - Allowed for Registration - Principal Register (SOU accepted)
2006-05-04 - Statement of use processing complete
2006-05-04 - Extension 1 granted
2006-04-20 - Amendment to Use filed
2006-04-20 - Extension 1 filed
2006-04-20 - TEAS Extension Received

2006-04-20 - TEAS Statement of Use Received

2005-11-29 - Notice of allowance - mailed

2005-09-06 - Published for opposition

2005-08-17 - Notice of publication

2005-05-10 - Law Office Publication Review Completed

2005-05-06 - Assigned To LIE

2005-05-05 - Approved for Pub - Principal Register (Initial exam)

2005-04-14 - Amendment From Applicant Entered

2005-04-05 - Communication received from applicant

2005-04-05 - PAPER RECEIVED

2004-12-13 - Non-final action e-mailed

2004-12-13 - Non-Final Action Written

2004-12-13 - Assigned To Examiner

2004-06-30 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

Christopher A. Sidoti

GlaxoSmithKline

UW2221

709 Swedeland Road

King of Prussia, PA 19406-0939

Phone Number: 610-270-6173

Fax Number: 610-270-7177

Exhibit Q

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,985,548

United States Patent and Trademark Office

Registered Aug. 16, 2005

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH DIRECT

**SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)**

ONE FRANKLIN PLAZA

PHILADELPHIA, PA 19101

**FOR: TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2,
13, 23, 29, 30, 33, 40 AND 50).**

FIRST USE 9-30-2002; IN COMMERCE 9-30-2002.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NOS. 1,006,821, 2,326,773
AND OTHERS.**

SER. NO. 78-453,790, FILED 7-21-2004.

**JANICE L. MCMORROW, EXAMINING ATTOR-
NEY**



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AQUAFRESH DIRECT

Word Mark	AQUAFRESH DIRECT
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: Toothbrushes. FIRST USE: 20020930. FIRST USE IN COMMERCE: 20020930
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78453790
Filing Date	July 21, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 24, 2005
Registration Number	2985548
Registration Date	August 16, 2005
Owner	(REGISTRANT) SmithKline Beecham Corporation CORPORATION PENNSYLVANIA One Franklin Plaza Philadelphia PENNSYLVANIA 19101
Attorney of Record	Christopher A. Sidoti
Prior Registrations	1006821;1906569;2326773;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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This page was generated by the TARR system on 2008-04-04 15:58:26 ET

Serial Number: 78453790 Assignment Information Trademark Document Retrieval

Registration Number: 2985548

Mark

AQUAFRESH DIRECT

(words only): AQUAFRESH DIRECT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-08-16

Filing Date: 2004-07-21

Transformed into a National Application: No

Registration Date: 2005-08-16

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-08-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SmithKline Beecham Corporation

Address:

SmithKline Beecham Corporation
One Franklin Plaza

Philadelphia, PA 19101
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 021
Class Status: Active
Toothbrushes
Basis: 1(a)
First Use Date: 2002-09-30
First Use in Commerce Date: 2002-09-30

ADDITIONAL INFORMATION

Prior Registration Number(s):
1006821
1906569
2326773

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-08-16 - Registered - Principal Register
2005-05-24 - Published for opposition
2005-05-04 - Notice of publication
2005-02-02 - Law Office Publication Review Completed
2005-01-31 - Assigned To LIE
2005-01-27 - Approved for Pub - Principal Register (Initial exam)
2005-01-27 - Assigned To Examiner
2004-07-29 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christopher A. Sidoti

Correspondent

CHRISTOPHER A. SIDOTI

GLAXOSMITHKLINE

709 SWEDELAND RD

KING OF PRUSSIA PA 19406-2711

Phone Number: 610-270-6173

Fax Number: 610-270-7177

Exhibit R

Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent and Trademark Office

Reg. No. 1,660,337

Registered Oct. 8, 1991

**TRADEMARK
PRINCIPAL REGISTER**

AQUA FLOSS

**TOCAD CO., LTD. (JAPAN CORPORATION)
4-6, 1-CHOME
KITASENZOKU, OTA-KU, TOKYO 145, JAPAN**

**FIRST USE 6-1-1990; IN COMMERCE
6-1-1990.**

**FOR: WATER JET ORAL HYGIENE DEVICE
FOR CLEANING AND IRRIGATING GUMS
AND SPACES BETWEEN TEETH, IN CLASS 10
(U.S. CL. 44).**

SN 74-025,271, FILED 2-2-1990.

CARYN HINES, EXAMINING ATTORNEY



United States Patent and Trademark Office

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TESS was last updated on Fri Apr 4 04:12:56 EDT 2008

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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	AQUA FLOSS
Goods and Services	IC 010. US 044. G & S: water jet oral hygiene device for cleaning and irrigating gums and spaces between teeth. FIRST USE: 19900601. FIRST USE IN COMMERCE: 19900601
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74025271
Filing Date	February 2, 1990
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 11, 1990
Registration Number	1660337
Registration Date	October 8, 1991
Owner	(REGISTRANT) TOCAD CO., LTD. CORPORATION JAPAN 1-Chome, Kitasenzoku 4-6, 1-Chome OTA-KU TOKYO JAPAN (LAST LISTED OWNER) SMITHKLINE BEECHAM CORPORATION CORPORATION PENNSYLVANIA 709 SWEDELAND ROAD UW2221 KING OF PRUSSIA PENNSYLVANIA 19406
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020124.
Renewal	1ST RENEWAL 20020124
Live/Dead Indicator	LIVE

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This page was generated by the TARR system on 2008-04-04 15:58:49 ET

Serial Number: 74025271 Assignment Information Trademark Document Retrieval

Registration Number: 1660337

Mark (words only): AQUA FLOSS

Standard Character claim: No

Current Status: The Trademark Trial and Appeal Board has terminated a cancellation proceeding.

Date of Status: 2007-11-06

Filing Date: 1990-02-02

Transformed into a National Application: No

Registration Date: 1991-10-08

Register: Principal

Law Office Assigned: LAW OFFICE 7

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-11-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SMITHKLINE BEECHAM CORPORATION

Address:

SMITHKLINE BEECHAM CORPORATION

709 SWEDLAND ROAD UW2221

KING OF PRUSSIA, PA 19406

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

water jet oral hygiene device for cleaning and irrigating gums and spaces between teeth

Basis: 1(a)

First Use Date: 1990-06-01

First Use in Commerce Date: 1990-06-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-26 - Case File In TICRS

2007-11-06 - Cancellation terminated for Proceeding

2007-11-06 - Cancellation dismissed for Proceeding

2007-10-03 - Automatic Update Of Assignment Of Ownership

2007-09-26 - Automatic Update Of Assignment Of Ownership

2007-03-19 - Cancellation Instituted No. 999999

2002-01-24 - First renewal 10 year

2002-01-24 - Section 8 (10-year) accepted/ Section 9 granted

2002-01-24 - Section 15 acknowledged

2001-09-25 - Combined Section 8 (10-year)/Section 9 filed

2001-09-25 - Section 15 affidavit received

2000-03-28 - Cancellation terminated for Proceeding

1998-09-18 - Cancellation dismissed for Proceeding

1998-07-22 - Section 8 (6-year) accepted

1998-07-23 - Post Registration action mailed Section 8 & 15

1997-10-06 - Section 8 (6-year) and Section 15 Filed

1995-04-26 - Cancellation Instituted No. 999999
1991-10-08 - Registered - Principal Register
1991-08-08 - Allowed for Registration - Principal Register (SOU accepted)
1991-07-24 - Assigned To Examiner
1991-07-11 - Statement of use processing complete
1991-05-24 - Amendment to Use filed
1990-12-04 - Notice of allowance - mailed
1990-09-11 - Published for opposition
1990-08-11 - Notice of publication
1990-07-10 - Approved for Pub - Principal Register (Initial exam)
1990-05-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

James L. Vana
Perkins Cole
12301 Third Avenue Suite 4800
Seattle, WA 98101-3099

Certificate of Mailing by Express Mail

I hereby certify that this Second Amended Notice of Opposition is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on April 8, 2008.

Erik Bertin
Person Signing Certificate

April 8, 2008
Date of Signature

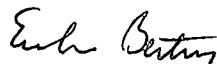


Signature

EB 303226528 US
Express Mail Number

Certificate of Service

I hereby certify that a true and correct copy of this Second Amended Notice of Opposition has been duly served by mailing such copy first class, postage prepaid, to Erik M. Pelton, P.O. Box 100637, Arlington, VA 22210 on April 8, 2008.



Erik Bertin

Certificate of Mailing by Express Mail

I hereby certify that this Second Amended Notice of Opposition is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on April 8, 2008.

Erik Bertin
Person Signing Certificate

April 8, 2008
Date of Signature

Erik Bertin
Signature

EB 303226528 US
Express Mail Number

Certificate of Service

I hereby certify that a true and correct copy of this Second Amended Notice of Opposition has been duly served by mailing such copy first class, postage prepaid, to Erik M. Pelton, P.O. Box 100637, Arlington, VA 22210 on April 8, 2008.

Erik Bertin
Erik Bertin

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of Omnisource DDS, LLC
Application Serial No.: 78/893,144
Filed; May 25, 2006
Mark: AQUAJETT

SMITHKLINE BEECHAM CORPORATION :

Opposer, :

v. :

Opposition No. 91/178,539

OMNISOURCE DDS, LLC :

Applicant. :

DECLARATION OF ERIK BERTIN

I, Erik Bertin, declare and state as follows:

I am an attorney with the law firm of Dechert LLP, counsel of record for Opposer SmithKline Beecham Corporation. I make this Declaration in support of Opposer's Motion for Summary Judgment Based on the Issue of Applicant's *Bona Fide* Intent, which was filed in this proceeding on April 8, 2008. The following facts are within my personal knowledge and, if called and sworn as a witness, I could and would testify competently thereto:

1. Attached hereto as Exhibit A is a true and correct copy of relevant portions of the discovery deposition of Dr. William R. Weissman, DDS, President of Applicant, Omnisource DDS, LLC, taken February 27, 2008, together with the relevant portions of exhibits 2 through 10 thereto.

2. Attached hereto as Exhibit B is a true and correct copy of relevant portions of Applicant's Responses to Opposer's First Set of Interrogatories to Applicant.

3. Attached hereto as Exhibit C is a true and correct copy of relevant portions of Applicant's Responses to Opposer's First Set of Requests for Production of Documents and Things.

4. Attached hereto as Exhibit D is a true and correct copy of relevant portions of Applicant's Supplemental Responses to Opposer's First Set of Interrogatories to Applicant.

5. Attached hereto as Exhibit E is a true and correct copy of relevant portions of Applicant's Supplemental Responses to Opposer's First Set of Requests for Production of Documents and Things.

6. Attached hereto as Exhibit F is a true and correct copy of relevant portions of Applicant's Responses to Opposer's Second Set of Interrogatories to Applicant.

7. Attached hereto as Exhibit G is a true and correct copy of relevant portions of Applicant's Responses to Opposer's Second Request for Production of Documents and Things.

8. Attached hereto as Exhibit H is a true and correct copy of relevant portions of Opposer's Requests for Admissions to Applicant.

9. Attached hereto as Exhibit I is a true and correct copy of relevant portions of Applicant's Responses to Opposer's Requests for Admissions.

10. Attached hereto as Exhibit J is a certified status and title copy of Opposer's valid and subsisting U.S. Trademark Registration for the mark AQUAFRESH for "toothpaste" (Reg. No. 1,006,821).

11. Attached hereto as Exhibit K is a certified status and title copy of Opposer's valid and subsisting U.S. Trademark Registration for the mark AQUA FLOSS for a "water jet oral hygiene device for cleaning and irrigating gums and spaces between teeth" (Reg. No. 1,660,337), and a certified copy of an assignment transferring this registration to Opposer, which has been recorded at Reel/Frame 2376/0573-0576.

12. Attached hereto as Exhibit L are true and correct copies of print-outs from the Trademark Office's TESS and TARR database for U.S. Application Serial No. 78/797,498 for the mark OMNIFRESH for "oral irrigators, dental picks, tongue scrapers" in Class 10.

12. Attached hereto as Exhibit M are true and correct copies of a document numbered OMNISOURCE 000002, which was produced by Applicant Omnisource DDS, LLC in response to Opposer's First Set of Document Requests

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 8, 2008

Respectfully submitted,



Erik Bertin
DECHERT LLP
1775 I Street NW
Washington, DC 20006
(202) 261-3407

Attorneys for Opposer
SMITHKLINE BEECHAM CORPORATION

Glenn A. Gundersen
Jacob R. Bishop
DECHERT LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808
(215) 994-2183

Declaration of Erik Bertin – Exhibit A

A true and correct copy of relevant portions of the discovery deposition of Dr. William R. Weissman, DDS, President of Applicant, Omnisource DDS, LLC, taken February 27, 2008, together with the relevant portions of exhibits 2 through 10 thereto.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM
CORPORATION,

Opposer,

vs.

No. 91/178,539

OMNISOURCE, DDS, LLC,

Applicant.

CERTIFIED
COPY

DEPOSITION OF WILLIAM R. WEISSMAN

North Hollywood, California

Wednesday, February 27, 2008

Reported by:
MARIA ELLERSICK
CSR No. 10531
Job No. 82408

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3
4 SMITHKLINE BEECHAM
5 CORPORATION,

6 Opposer,

7 vs.

No. 91/178,539

8 OMNISOURCE, DDS, LLC,

9 Applicant.

10
11
12

13 Deposition of WILLIAM R. WEISSMAN,
14 taken on behalf of Opposer, at 10902
15 Riverside Drive, North Hollywood,
16 California, beginning at 9:17 a.m. and
17 ending at 10:40 a.m. on Wednesday,
18 February 27, 2008, before MARIA ELLERSICK,
19 Certified Shorthand Reporter No. 10531.
20
21
22
23
24
25

1 APPEARANCES:

2
3 For Opposer:

4 DECHERT, LLP
5 BY: ERIK BERTIN
6 Attorney at Law
7 1775 I Street, N.W.
8 Washington, D.C. 20006-2401
9 (202) 261-3300

10 For Applicant:

11 ERIK M. PELTON & ASSOCIATES
12 BY: ERIK M. PELTON
13 Attorney at Law
14 120 South Fayette Street, Suite B
15 Alexandria, Virginia 22314
16 (703) 525-8009
17
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INDEX

WITNESS

EXAMINATION

WILLIAM R. WEISSMAN

BY MR. BERTIN

6

EXHIBITS

OPPOSER'S

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1 North Hollywood, California

2 Wednesday, February 27, 2008

3 9:17 a.m. - 10:40 a.m.

4
5 WILLIAM R. WEISSMAN,

6 having been administered an oath, was examined and
7 testified as follows:

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22 Again, if you could state your name for the
23 record, please.

24 A. William Raymond Weissman.

25 Q. And what is your position with respect to

1 Omnisource, LLC, the applicant in this case?

2 A. I'm the president of Omnisource.

3 Q. And you're appearing today in response to our
4 deposition notice; correct?

5 A. Correct.
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1 understand what it is that I'm asking. If you don't
2 understand, please let me know and I'll try to rephrase
3 it in a better way. But otherwise, I'll just go ahead.

4 And if you at any time feel that you need a
5 break, please let me know.

6 And the same goes for Mr. Pelton. If you for any
7 reason need to ring off, let us know, please.

8 MR. PELTON: Thank you.

9 BY MR. BERTIN:

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16 Q. Does Omnisource have any other employees?

17 A. No other employees.

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23 Q. Are you the best person to speak today on behalf
24 of Omnisource with respect to its business, and in
25 particular, with respect to the trademarks that we're

1 going to be discussing today?

2 A. Yes.

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18 Have you ever recommend to your patients that
19 they use an oral irrigator?

20 A. Yes.

21 Q. And for what purposes have you recommended them?

22 A. To help them maintain a cleaner and healthier
23 mouth.

24 Q. And doing so by removing particles between teeth
25 and within the mouth?

1 A. Correct.

2 Q. You mentioned earlier toothpaste, toothpicks,
3 floss, and toothbrushes. Those oral care goods could be
4 used for the same purpose?

5 A. Correct.

6 Q. Cleaning teeth, cleaning gums?

7 A. Correct.

8 Q. Cleaning spaces between teeth?

9 A. Correct.

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23 Q. Would you agree that oral irrigators is a product
24 that would be used by ordinary consumers; in other
25 words, anyone on the street?

1 A. Yes.

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8 Q. Are you aware of any oral irrigator products that
9 are currently on the market?

10 A. Yes.

11 Q. And could you identify those for me?

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14 A. Interplaque puts out an oral irrigator. WaterPik
15 puts out an oral irrigator. Oral-B has an irrigator,
16 and those are the ones that come to my mind.

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19 Q. Do you know where those products are sold?

20 A. In stores.

21 Q. And specifically, what types of stores?

22 A. Here in California, the types of places that I
23 would recommend my patients to go to would be places
24 like Rite-Aid, Target and CVS Pharmacy.

25 Q. Just to clarify, Rite-Aid is a pharmacy?

1 A. It's a pharmacy with other items.
2 Q. And Target is a general retail store?
3 A. Correct.
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14 Q. The three stores that you mentioned earlier --
15 Rite-Aid, CVS, and Target -- do you know if those stores
16 sell toothbrushes?

17 A. Yes.

18 Q. Do they sell toothpaste?

19 A. Yes.

20 Q. Do they sell electric toothbrushes?

21 A. Yes.

22 Q. Do they sell floss?

23 A. Yes.

24 Q. Do they sell mouthwash?

25 A. Yes.

1 Q. Do you have any sense as to how much an oral
2 irrigator costs?

3 A. Yes.

4 Q. How much?

5 A. Anywhere between \$29 to \$65.
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10 Q. Dr. Weissman, do you own any patents?

11 A. Yes.

12 Q. How many patents do you own?

13 A. Three.

14 MR. BERTIN: I'd like to mark for the record
15 three items.

16 The first is being marked as Exhibit 2. This is
17 United States Patent No. 5,511,693.

18 Exhibit 3 is United States Patent No. 5,564,629.

19 And Exhibit 4 is United States Patent
20 No. 5,556,001.

21 (Opposer's Exhibits 2 through 4
22 were marked for identification by
23 the court reporter.)

24 BY MR. BERTIN:

25 Q. Dr. Weissman, I'd like you to take a look at

1 these three exhibits. Are these the patents in question
2 that you mentioned just a moment ago?

3 A. Yes.
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18 Q. Have you ever assigned the patents to any
19 third-party?

20 A. No.

21 Q. Have you ever licensed the patents to any
22 third-parties?

23 A. No.
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3 Q. When we started talking earlier this morning, you
4 indicated that Omnisource plans to or is hoping to sell
5 a number of oral care goods, including oral irrigators.
6 Are the oral irrigators that are described in these
7 patents, the products Omnisource -- specifically the
8 oral irrigators that Omnisource is working on or that
9 you intend to sell?

10 A. Yes.

11 Q. Aside from the products that are described in
12 these three patents, does Omnisource intend to sell any
13 other oral irrigators?

14 A. No.

15 Q. What is the target audience or the target market
16 for the oral irrigators that Omnisource intends to sell?

17 A. To the general consuming public who's interested
18 in oral care goods.

19 Q. Ordinary consumers?

20 A. Ordinary consumers.

21 Q. What about dental professionals such as dentists,
22 orthodontists, endodontists?

23 A. They could potentially purchase these.
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Q.

Are you intending

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to sell this product to dental professionals

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specifically for use in their profession?

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A. I haven't really thought about exactly who or

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when these would be sold or to whom.

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16 MR. BERTIN: Let's mark a few exhibits.

17 Opposer's Exhibits 5, 6, 7, 8, 9 are printouts

18 from the U.S. Trademark Office, TESS and TARR databases,

19 and these are for applications for the marks Aquajett,

20 Omnijet, Omnipik, Showerjet, and Aquapik.

21 (Opposer's Exhibits 5 through 9

22 were marked for identification by

23 the court reporter.)

24 BY MR. BERTIN:

25 Q. If you could take a moment to look these over,

1 Dr. Weissman.

2 Are these the marks that you were referring to a
3 moment ago?

4 A. Yes.

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10 Q. Are you planning to use all of these names or
11 only one?

12 A. That hasn't been determined yet.

13 Q. So you haven't decided yet whether you would use
14 as a brand name for this product just one name or
15 possibly five names?

16 A. Correct.

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22 Q. When are you planning on making your final
23 decision as to what the name of this product will be?

24 A. That hasn't been thought about yet.

25 Q. What would need to happen in order for you to

1 make that decision?

2 A. Once I see the choices of which names I have at
3 my disposal to use, then I would make that decision
4 based on whichever one either I felt were appropriate or
5 if some company were interested in one of these names to
6 use for an irrigator as to what they felt appropriate.

7 Q. You said when -- you would make the decision when
8 you were able to make the choice as to which name was
9 available to you. Is it your understanding that these
10 names are not available to you right now?

11 A. No. These names are available to me right now.

12 Q. That being the case then, why is it that you
13 can't decide which one of the names is the one that you
14 want to use?

15 A. Because I haven't at this point specifically
16 focused on which name to use.

17 Q. You also said that you wouldn't be able to make
18 your decision as to which name to use until another
19 company decided which name they liked?

20 A. That would be if the product were licensed to
21 another company, then they would have an option as to
22 which of these marks they might be interested in using.

23 Q. All of the applications that you filed with the
24 Trademark Office, the ones that are numbered Opposer's
25 Exhibit 5 through 9, those applications are all for oral

1 irrigators; correct?

2 A. Correct.

3 Q. And are they for the same product that is
4 described in your three U.S. patents, Opposer's
5 Exhibits 4, 5, and 6?

6 A. Yes.
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25 Q. Does Omnisource have any web sites?

1 A. Yes.

2 Q. And what are those web sites?

3 A. It has several web sites or several ownership of
4 several web sites.

5 Q. Does Omnisource have any web sites that are
6 currently active?

7 A. No.

8 Q. Is Omnisource currently selling any oral care
9 products?

10 A. No.

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Q. Omnisource isn't selling oral irrigators at this time?

A. Correct.

Q. Has Omnisource ever sold oral irrigators?

A. No.

Q. Was Omnisource selling oral irrigators at the time that you filed your trademark applications?

A. No.

Q. These patents were issued in 1996. What have you done since then to bring the oral irrigator products that are described in these patents to market?

A. Nothing.

Q. So I'm correct in assuming that you have no current inventory of oral irrigators?

A. Correct.

Q. No prototypes?

A. Just the original prototype from the 1996 patent.

Q. Is that in your possession?

A. No.

1 Q. In whose possession is that prototype?

2 A. My brother.

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5 Q. Is that something he has at his dental practice?

6 A. I haven't asked him where he is storing that.

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10 Q. Do you have any schematics for this product, how
11 it would be built?

12 A. No.

13 Q. Have you identified what types of materials would
14 be used to construct this product?

15 A. No.

16 Q. Have you entered into any agreements to
17 manufacture this product?

18 A. No.

19 Q. Have you given any thought to where these
20 products would be made, manufactured?

21 A. No.

22 Q. Do you plan to manufacture them yourself or do
23 you plan to contract with a third-party to manufacture
24 them?

25 A. More than likely, contract with a third-party.

1 Q. Have you identified any potential third-parties
2 to manufacture the product for you?

3 A. No.

4 Q. Have you done anything to identify any potential
5 third-parties?

6 A. No.

7 Q. Are you planning to sell oral irrigators
8 yourself, or are you planning to license them to
9 third-parties who would then sell them to consumers?

10 A. Both ways have been contemplated, but no decision
11 has been made.

12 Q. You haven't decided one way or the other?

13 A. Correct.

14 Q. And am I correct in assuming that you obviously
15 had not made that decision at the time that you filed
16 your trademark applications either?

17 A. Correct.

18 Q. Have you given any thought to what types of
19 third-parties that you would license this product to?

20 A. Generally, companies which would be in the oral
21 care industry.

22 Q. If I could clarify that answer a little bit, what
23 segment of the oral care industry, if any?

24 A. That would probably be any companies that would
25 be in the oral care industry who are in the preventative

1 oral care field.
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14 Q. Have you identified any specific companies to
15 license your product to?

16 A. No.

17 Q. What, if anything, have you done to identify any
18 potential licensees?

19 A. Being a dentist, I'm aware of the different
20 companies that are involved with dental care. So those
21 would just be general companies that would come to my
22 mind.

23 Q. But you have not contacted any specific
24 companies?

25 A. Back in 1990, back when this was done, I remember

1 I did send off letters to different oral care companies
2 regarding the oral irrigator.

3 Q. So at the time that your patient was issued or
4 some time -- early '90s or mid '90s?

5 A. Anywhere between 1990 and 1996, '97.

6 Q. You would have made these contacts?

7 A. Correct.

8 Q. And do you remember what you did in that regard?

9 A. To my recollection, I sent off letters to the
10 different companies.

11 Q. Do you have a copy of those letters?

12 A. No.

13 Q. Do you remember what companies they were that you
14 sent the letters to?

15 A. Not specifically.

16 Q. Have you made any attempts to contact any of
17 those companies since 1996?

18 A. No.

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9 Q. Am I correct in assuming that you have not sent
10 any marketing materials to any third-parties concerning
11 your oral irrigator products?

12 A. Correct.

13 Q. Have you developed any marketing materials for
14 your oral irrigator products?

15 A. No.

16 Q. Did you have any marketing materials for these
17 products at the time that you filed your application?

18 A. No.

19 Q. Have you given any thought to what types of
20 marketing materials you might develop for this product?

21 A. No.

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Q. Have you purchased liability insurance for personal injuries that might be caused by your oral irrigator product?

A. No.

Q. Have you contacted any insurance brokers to discuss this issue?

A. No.

Let's start with the assumption that Omnisource decides to sell this product itself as opposed to licensing it to a third-party. Have you given any thought to how Omnisource would go about doing that, how it would go about selling this product?

A. No.

Q. Earlier you said that you've given some thought that maybe this product would be sold to ordinary consumers, maybe it would be sold to dental

1 professionals?

2 A. Correct.

3 Q. But you haven't given any thought to how you
4 would specifically go about doing that?

5 A. Correct.

6 Q. So you don't know whether you would sell it, for
7 example, to ordinary consumers through retail stores?

8 A. That would be one potential avenue.

9 Q. But you haven't -- have you done anything to
10 pursue that idea?

11 A. No.

12 Q. Are there any other potential avenues where you
13 might sell this product to ordinary consumers?

14 A. It hasn't been thought about yet.
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1 Q. Aside from retail stores, have you thought about
2 any other place where this product might be sold?

3 A. Potentially to dental offices.

4 Q. If Omnisource was to sell the product to dental
5 offices, how would you go about doing that?

6 A. That hasn't been thought about yet.

7 Q. As a dentist, am I correct in assuming that you
8 purchase supplies for your practice?

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2 Q. You said that the product could conceivably be
3 sold in retail stores. Do you have any specific types
4 of retail stores in mind?

5 A. No.
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9 Q. Am I correct in assuming that you have not hired
10 any salespeople to market your oral irrigator product?

11 A. Correct.
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Q. Since you don't have any actual oral irrigator products in your inventory, you have no inventory of these products, and you have no prototypes, am I correct in assuming that you have not created any user manuals or instructions on how this product might be used?

A. Correct.

Q. Am I correct in assuming that you have not set any prices for your product?

A. Correct.

Q. Am I correct in assuming you have not created any packaging for this product?

A. Correct.

Q. You have not created any labels?

A. Correct.

Q. You have not created any tags for the product?

A. Correct.

Q. Have you designed any logos that would be used on this product?

A. No.

1 Q. Have you created any logos for any of the
2 trademarks that you filed applications for?

3 A. No.

4 Q. Have you hired anyone to create packaging for
5 you?

6 A. No.

7 Q. Hired anyone to create labels for you?

8 A. No.

9 Q. Tags?

10 A. No.

11 Q. Logos?

12 A. No.

13 Q. Have you entered into any agreements with any
14 third-parties to do any of these things for you?

15 A. No.

16 Q. Have you identified any third-parties who might
17 be in a position to do these things for you?

18 A. No.

19 Q. Do you have any plans as to how you might go
20 about creating your packaging for this product?

21 A. No.

22 Q. Any plans for how you might go about creating a
23 label for this product?

24 A. No.

25 Q. Any plans for how you might go about creating a

1 logo for this product?

2 A. No.

3 Q. And that's true today and it was true at the time
4 that you filed your applications?

5 A. Correct.

6 Q. That's true for the mark Aquajett?

7 A. Correct.

8 Q. Is it true for all of the other marks that you
9 filed applications for?

10 A. Correct.

11 Q. Have you offered or shown this product at any
12 trade shows?

13 A. No.

14 Q. Have you attended any trade shows where oral
15 irrigators are marketed?

16 A. Yes.

17 Q. What trade shows?

18 A. California Dental Association.

19 Q. And what type of trade show is that?

20 A. It's a meeting here in California for new
21 products and for disseminating information about
22 progress in the dental field.

23 Q. Is that -- what types of people would go to that
24 show?

25 A. Dentists go to that show and exhibitors from

1 different oral care companies go to that show.

2 Q. How often is that show held?

3 A. Once a year.

4 Q. How many times have you gone?

5 A. Usually once a year.

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10 Q. Aside from that trade show, are there any others
11 that you've attended?

12 A. No.

13 Q. You indicated that companies that sell oral care
14 products attend that particular trade show. On the
15 occasions when you've gone, have you discussed your oral
16 irrigator product with any of the companies that have
17 exhibited at that show?

18 A. No.

19 Q. Have you taken any contact information from the
20 companies that show oral care goods at that trade show?

21 A. No.

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5 Q. Am I correct in assuming that you have not placed
6 any advertisements for your oral irrigator product?

7 A. Correct.

8 Q. At any time?

9 A. Correct.

10 Q. Have you created any advertisements for this
11 product?

12 A. No.

13 Q. You've not created any point-of-sale material for
14 this product?

15 A. No.

16 Q. No brochures?

17 A. No.

18 Q. No flyers?

19 A. No.

20 Q. No displays?

21 A. No.

22 Q. No internet ads?

23 A. No.

24 Q. No television or radio commercials?

25 A. No.

1 Q. No handouts?

2 A. No.

3 Q. That being the case, then I'm correct in assuming
4 that you have not placed your trademark, Aquajett, or
5 any of the other marks that you've applied for on any
6 marketing materials?

7 A. Correct.

8 Q. And that's true today and it was true at the time
9 you filed your applications?

10 A. Correct.

11 Q. Have you hired any third-parties to produce these
12 materials on your behalf?

13 A. No.

14 Q. Have you contacted anyone to discussing the
15 possibility of creating these types of materials for
16 you?

17 A. No.

18 Q. And I believe you said earlier that you haven't
19 identified any specific types of materials that you
20 might create?

21 A. Correct.

22 Q. And I'm correct in assuming you have no inventory
23 of marketing materials for this product?

24 A. Correct.

25 Q. Have you ever had any inventory of marketing

1 materials for this product?

2 A. No.

3 MR. BERTIN: I've marked as Opposer's Exhibit 10
4 the Applicant's Supplement Responses to Opposer's First
5 Set of Interrogatories to Applicant. This is a filing
6 that was made in this case by the Applicant, Omnisource,
7 DDS.

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15 Q. Okay. Can I direct your attention to the second
16 page. This is an interrogatory which says "State all
17 facts and identify all documents supporting Applicant's
18 assertion in its application Serial No. 78/893,144 that
19 it had as of the application filing date a bona fide
20 intention to use Applicant's mark in commerce in
21 connection with the goods identified in the
22 application."

23 Now, below that is the answer to this
24 interrogatory, which was provided by Omnisource. And
25 the last paragraph says, "See documents produced by

1 Applicant. Applicant's bona fide intent to use the
2 Aquajett mark in commerce is evidence in Applicant's
3 patent filings and other documents indicating an
4 intention to manufacture dental instruments." Do you
5 see that, Dr. Weissman?

6 A. Yes.

7 Q. The reference there to "patent filings," am I
8 correct in assuming that Omnisource is referring to
9 opposer's Exhibits 3, 4, and 5?

10 A. Right.

11 Q. 2, 3, and 4. Excuse me.

12 A. 2, 3, and 4.

13 Q. There's a reference here to "other documents."

14 A. Yes.

15 Q. The question is what other documents is
16 Omnisource referring to here?

17 A. Off the top of my head, I can't place which other
18 documents that would be referring to. The filings for
19 the patents seem like the main reference as to the use
20 of the potential trademark names.

21 Q. Sitting here today and aside from the patent
22 filings that you just mentioned, can you think of any
23 other documents that Omnisource has that relate in any
24 way to the oral irrigator products that are described in
25 those patents?

1 A. The only other documents might be the other
2 applications for the different trademarks.

3 Q. The filings that were made at the trademark
4 office?

5 A. Correct.

6 Q. And again, those would include Opposer's 5
7 through 9?

8 A. Correct.

9 Q. Aside from those exhibits that I just mentioned
10 and the patents that we were discussing, are there any
11 other documents that Omnisource has that would relate in
12 any way to your intention to use the mark Aquajett?

13 A. Not that I can recall at this moment.

14 Q. How about the other marks that you applied for?

15 A. Same response.

16 Q. Same answer. So I'm correct in assuming that you
17 have not created any media plans for the oral irrigator
18 products that are described in these patents?

19 A. Correct.

20 Q. Do you understand what a media plan is?

21 A. Yes.

22 Q. What is a media plan?

23 A. An advertising plan, a marketing plan.

24 Q. Have you prepared any media plans for the
25 specific trademarks that you filed applications for?

1 A. No.

2 Q. Have you hired anyone to prepare a media plan on
3 your behalf?

4 A. No.

5 Q. Have you identified anyone who you might contact
6 to prepare a media plan for you?

7 A. No.

8 Q. Have you given any thought to when you might
9 prepare a media plan for these products or for these
10 marks?

11 A. My only thought would be when some -- at the
12 point that I'm ready to market these items.

13 Q. And when would that be?

14 A. Some time in the future.

15 Q. Could you be more specific?

16 A. No.

17 Q. Am I correct in assuming that these products, the
18 ones that are described in your patents, have not
19 received any coverage in the press?

20 A. Correct.

21 Q. And neither have the marks that you applied for?

22 A. Correct.

23 Q. Am I correct in assuming that you have not
24 prepared any business plans for the products that are
25 described in these patents?

1 A. Correct.

2 Q. Or for the marks that you've applied for?

3 A. Correct.

4 Q. Have you hired anyone to prepare a business plan
5 on your behalf?

6 A. No.

7 Q. Have you identified anyone who might prepare a
8 business plan on your behalf?

9 A. No.

10 Q. Have you given any thought to when you might
11 prepare a business plan for these products or for these
12 marks?

13 A. When the time is ready.

14 Q. But you don't know when that might be?

15 A. Correct.

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20 Q. Am I correct in assuming that you have not set
21 any budgets for the production of the products described
22 in your patents or for the use of the marks described in
23 your applications?

24 A. Correct.

25 Q. No budgets for the sales of these products?

1 A. Correct.

2 Q. Or for marketing these products?

3 A. Correct.

4 Q. Or for the sale of marketing of products marked
5 with these -- the marks in these applications?

6 A. Correct.

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16 Q. Omnisource was created in 2005; is that correct?

17 A. Correct.

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that
5 any witnesses in the foregoing proceedings, prior to
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7 proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction;
9 that the foregoing transcript is a true record of the
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11 Further, that if the foregoing pertains to
12 the original transcript of a deposition in a Federal
13 Case, before completion of the proceedings, review of
14 the transcript [] was [] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee
17 of any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20
21 Dated: MAR 14 2008

22
23 Maria Ellersick
24 MARIA ELLERSICK
25 CSR No. 10531

Deposition of William R. Weissman Deposition Exhibit No. 2

United States Patent No. 5,511,693

United States Patent [19]

Weissman et al.

[11] Patent Number: **5,511,693**[45] Date of Patent: **Apr. 30, 1996**

[54] **ORAL IRRIGATION APPARATUS AND METHOD OPERABLE FROM A PRESSURIZED WATER SUPPLY FOR SELECTIVELY DISCHARGING A PLURALITY OF LIQUIDS**

[75] Inventors: William R. Weissman, North Hollywood; Peter Liapis, Los Angeles; George Sanchez; Bernardo Baran, both of Woodland Hills, all of Calif.

[73] Assignee: William R. Weissman, North Hollywood, Calif.

[21] Appl. No.: 255,928

[22] Filed: Jun. 7, 1994

[51] Int. Cl.⁶ B67D 5/56

[52] U.S. Cl. 222/1; 222/144.5; 222/389

[58] Field of Search 222/1, 144.5, 387, 222/389, 335

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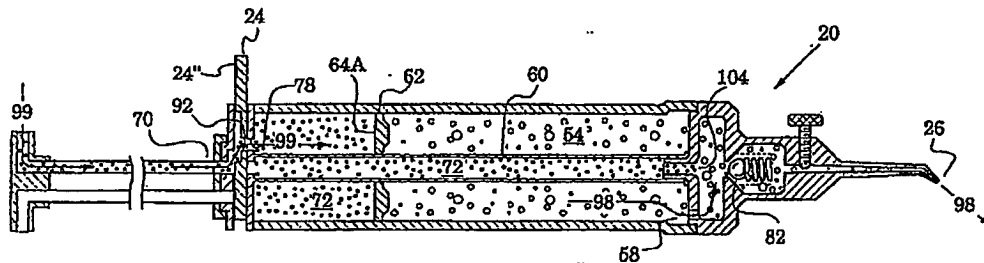
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308960 9/1917 Germany 222/389

Primary Examiner—Andres Kashnikov
Assistant Examiner—Kenneth Bomberg
Attorney, Agent, or Firm—Ashen, Golant & Lippman

[57] **ABSTRACT**

An oral irrigating liquid dispenser (20) is disclosed which operates from a liquid pressure source (22) to dispense two liquids (54, 72) from an orifice (26). A valve member (24) moves to different positions to couple the source respectively to a piston face (64A), a conduit (60) and an outlet port (71). Flow control valves (80, 89) are provided to control flow from the orifice. Since no electrical power is involved the dispenser may safely be used in the presence of liquids and electrical grounds.

18 Claims, 4 Drawing Sheets

Opposer EX. NO. 2
PAGES 2 / 27 / 08
M. ELLERSICK, CSR 10531 WIT: weissman

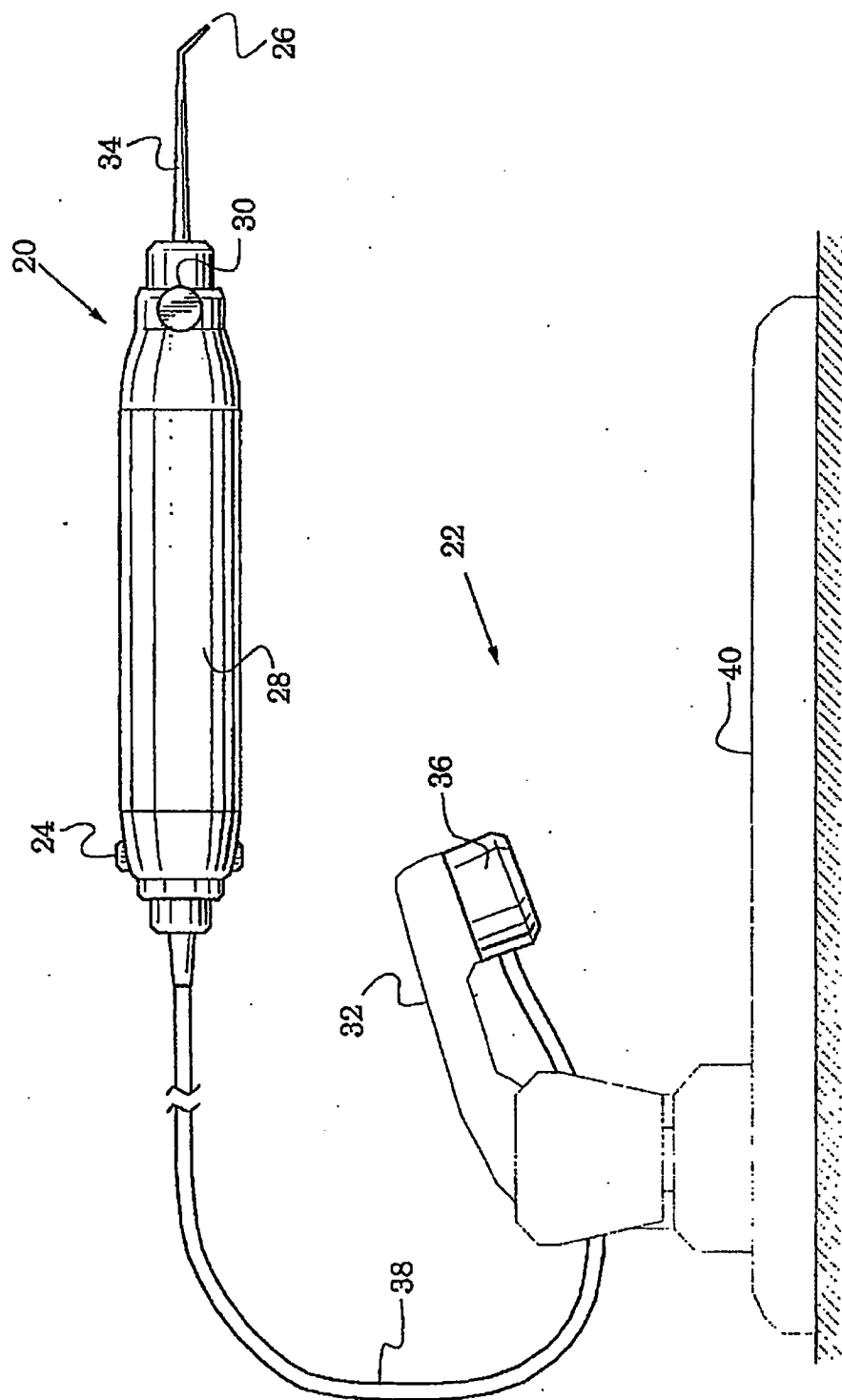
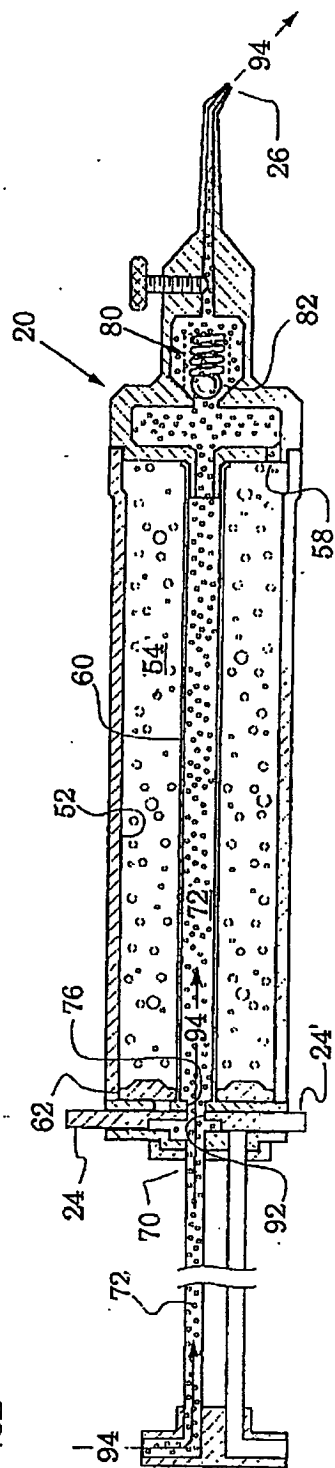
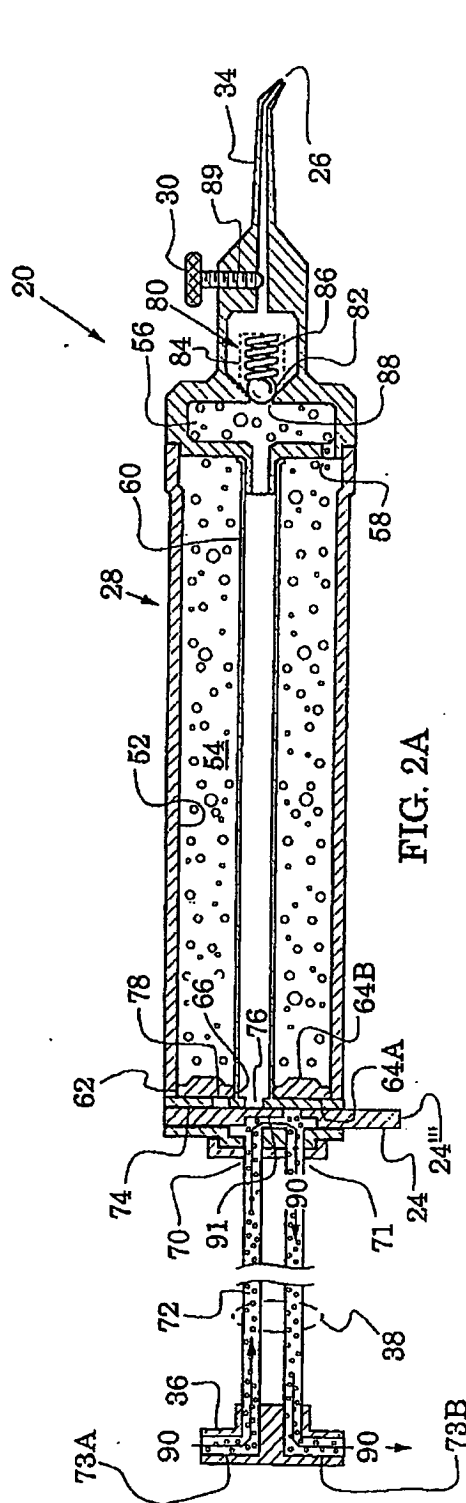


FIG. 1



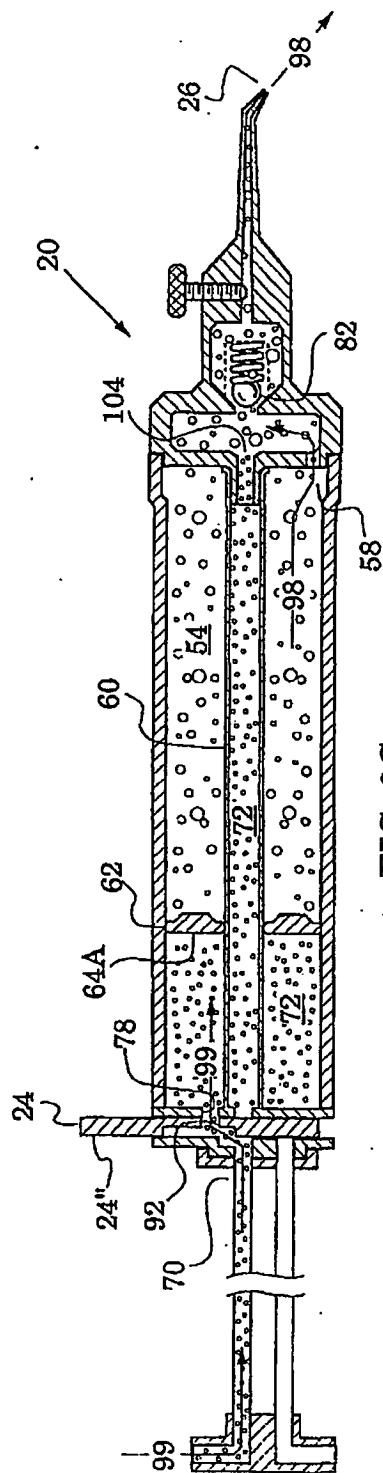


FIG. 2C

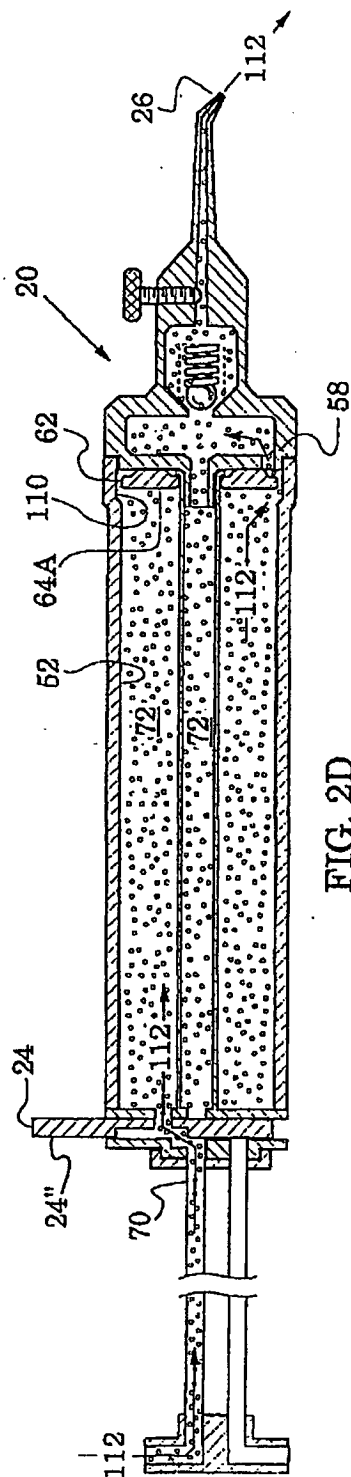


FIG. 2D

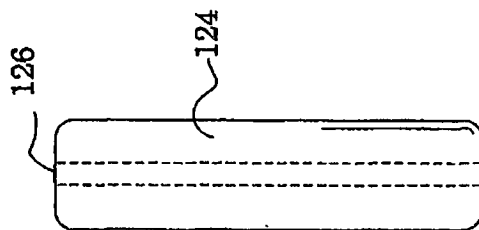


FIG. 3C

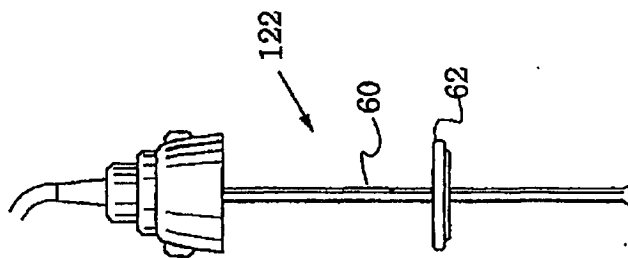


FIG. 3B

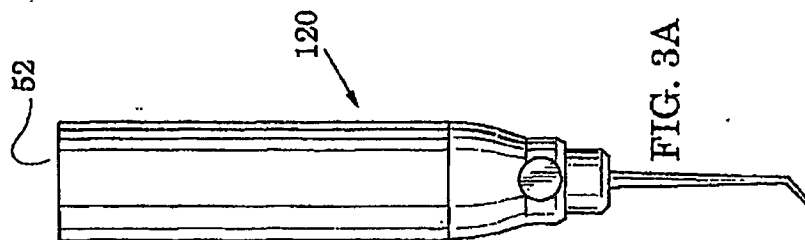


FIG. 3A

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ORAL IRRIGATION APPARATUS AND METHOD OPERABLE FROM A PRESSURIZED WATER SUPPLY FOR SELECTIVELY DISCHARGING A PLURALITY OF LIQUIDS

TECHNICAL FIELD

The present invention relates generally to a liquid dispensing apparatus for dental purposes and more particularly to such apparatus for mixing and applying a cleansing stream to teeth and/or gums.

BACKGROUND ART

Dental oral irrigating apparatus presently exists for generating and applying a stream of liquid to areas of a person's mouth. Some such apparatus are electrically powered and present potential danger to the user.

Other such apparatus are powered and controlled by the liquid pressure from a water line. In particular prior U.S. Pat. Nos. to Drapen, 3,225,759 and to Halem, et al., 5,004,158 (embodiment of FIG. 2) disclose dental oral irrigating apparatus powered and controlled by water line pressure and having movable pistons for discharging a secondary or supplemental liquid. These prior art devices do not however disclose a selectively operable valve to selectively couple an inlet port from the water supply to either (1) the outlet orifice of the irrigating apparatus or (2) the face of the piston opposed to the secondary liquid.

DISCLOSURE OF INVENTION

The present invention is directed to oral irrigating apparatus for liquid dispensing.

Apparatus in accordance with the invention are characterized by an inlet port for receiving a liquid 1 from a pressurized supply, a chamber for holding a liquid 2, a piston disposed therein, a conduit, an orifice communicating with the chamber and conduit and a valve for selectively coupling the inlet port to either the conduit or the piston thereby respectively dispensing liquid 1 or liquid 2 from the orifice.

In a preferred embodiment the valve may also selectively couple the inlet port to an outlet port to direct the liquid 1 away from the apparatus.

In a preferred embodiment the apparatus is directed especially to irrigation of teeth and gums with a liquid 1 (water) and a liquid 2 (mouthwash).

In accordance with a feature of the invention, no electrical power is used so that embodiments of the invention may be safely used.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 illustrates a preferred apparatus embodiment, in accordance with the present invention, coupled to a pressurized liquid 1 supply;

FIG. 2 is a sectional view of the embodiment of FIG. 1 illustrating an operational mode thereof;

FIG. 2B is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

FIG. 2C is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

FIG. 2D is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

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FIG. 3A is a side view of a disassembled portion of the apparatus of FIG. 1;

FIG. 3B is a side view of another disassembled portion of the apparatus of FIG. 1; and

FIG. 3C is a side view of a puncturable cartridge for use with the apparatus of FIG. 1.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of a preferred embodiment 20, in accordance with the present invention, of a portable oral irrigating apparatus coupled to a pressurized supply 22 of a liquid 1 such as water. In response to movement of a mode selector member 24 to first and second "On" positions from a third or "Off" position, the embodiment 20 respectively dispenses a liquid 1 and a liquid 2 from its orifice 26. The liquid 1 is that received from the supply 22 while the liquid 2 is any liquid placed in a chamber defined within the housing 28. The flow rate of either liquid from the orifice 26 is adjusted via a knob 30 of a flow rate control valve.

Embodiments of the invention generally may be directed to the dispensing of various liquids. The embodiment 20 is particularly directed to dispensing water (liquid 1) or mouthwash (liquid 2) and is configured to operate from a pressurized supply of liquid 1 illustrated in the form of a countertop sink tap 32. Accordingly, the orifice 26 is configured in the form of a dental syringe 34 to facilitate irrigation of teeth and gums. In other embodiments of the invention the orifice may assume other configurations to facilitate application of particular liquids 1 and 2.

The embodiment 20 is coupled to the tap 32 via a diverter 36 and bidirectional hose 38 which sends liquid 1 to the housing 28. In the "Off" position of the mode selector member 24, the liquid 1 is directed back through the hose 38 to issue from the diverter 36 into the sink 40.

In accordance with features of the invention, the embodiment 20 is portable, easily operated with one hand and requires only a pressurized liquid supply for operation. Thus, for example, it can be carried in luggage and quickly connected to a supply such as the sink tap 32. Since no electrical power is associated with its operation, it may be safely used in the presence of water and electrical grounds.

Attention is now directed to structural details of the embodiment 20 as illustrated in the sectional views of FIGS. 2A-2D. Each of these figures show an operational mode of the embodiment. In FIG. 2A, the mode control member 24 is in the above described "Off" position, while in FIGS. 2B, 2C it is respectively in the first and second positions. FIG. 2D shows a fourth operational mode in which the member 24 remains in the second position.

It will be understood that the nomenclature of these member positions is arbitrary and for descriptive purposes only. The sequence of the figures generally tracks the amount of liquid 2 in the chamber 52, i.e. in FIGS. 2A, 2B the chamber is filled with liquid 2, in FIG. 2C it is partly filled with liquid 2 and in FIG. 2D it contains only liquid 1.

In FIG. 2A the housing 28 defines a chamber 52 to hold the liquid 2 (reference number 54) and communicate with the orifice 26 via a subchamber 56 and vent 58. The housing also defines a conduit 60 which communicates with the orifice 26 through the subchamber 56.

A piston 62 having first and second faces 64A, 64B is slidably received in the chamber 52. The piston 62 defines an opening 66 which slidably receives the conduit 60. Inlet

port 70 and outlet port 71 are defined by the housing 28 to respectively receive the liquid 1 (reference number 72) from the pressurized supply via the diverter 36 and return it to the diverter (for clarity of illustration, liquid 1 distinguished from liquid 2 by having smaller air bubbles trapped therein). This exchange is conducted via first and second passages 73A, 73B defined by the diverter 36 and bidirectional hose 38 connected therefrom to ports 70, 71.

The housing 28 also defines a channel 74 to communicate with the conduit 60, the piston first face 64A, the inlet port 70 and outlet port 71. The channel 74 includes apertures 76, 78 to facilitate this communication. The mode selector member 24 shown in FIG. 1 is seen, to be a valve member which is slidably received in the channel 74.

A flow control check valve 80, responsive to pressure from the liquid 1 supply (22 in FIG. 1), is designed to block the flow of all liquids through the orifice 26 in the absence of such pressure. In the configuration 20, this valve is formed by a ball 82 within a permeable cage 84. The ball 82 is urged by a spring 86 into a seat 88. A flow control valve, responsive to adjustment by a user of the apparatus is formed by the screw 89 threadedly mounted in the housing 28 to restrict the flow through the orifice 26. The screw 89 terminates in the knob 30.

Although the housing 28 has been structurally described above as an integral piece it should be understood that it may be comprised of various mated parts. FIG. 2A shows one possible arrangement of such parts.

Attention is now directed to operational modes of the embodiment 20. As mentioned above, FIG. 2A shows the valve member 24 in its "OFF" position 24" wherein the liquid 1 is directed back to the diverter 36 as indicated by arrows 90. The liquid flow is enabled by a passage 91 defined by the valve member 24. The flow control valve ball 88 is seated thereby preventing leakage of liquid 2 from the orifice 26. In FIG. 2A it is assumed that chamber 52 has been filled with liquid 2 so that the piston 62 is proximate to the valve member 24 with its second face 64B abutting the liquid 2. Although the figure shows the conduit 60 to be empty, some liquid 2 may be present depending on the method of filling and the amount of air trapped in the conduit.

In FIG. 2B, the valve member 24 has been moved to the first position 24' where a passage 92 of the valve member aligns with aperture 76 to couple the inlet port 70 with the conduit 60. The pressure thus coupled to the flow control or check valve 80 forces the ball 82 from its seat 88 and the liquid 1 flows through the conduit 60 and is discharged through the orifice 26 as indicated by arrows 94. The piston 62 and liquid 2 remain in place within the chamber 52 as pressure between the liquids is automatically equalized across the vent 58 except for diffusion and eddy mixing.

In FIG. 2C, the valve member 24 has been moved to the second position 24" where the valve member passage 92 aligns with aperture 78 to couple the inlet port 70 with the piston first face 64A. Consequently, in response to urging of the piston 62, liquid 2 forces the ball 82 from its seat and flows through the vent 58 to be discharged through orifice 26 as indicated by arrows 98. Liquid 1 flows to replace liquid 2 behind the piston first face 64A as indicated by arrows 99. Since the conduit 60 is now closed at one end, liquid 1 therein remains in place with pressure between the liquids automatically equalized across their interface 104.

In FIG. 2D, valve member 24 remains in the second position 24". All of liquid 2 has been forced from the chamber 52 and discharged through orifice 26. Piston 62 has been forced to enter an enlarged portion 110 of the chamber

54. The enlarged portion 110 couples (provides passage between) the orifice 26 and the piston first face 64A. Consequently, liquid 1 flows around the piston 62 and through vent 58 to be discharged through the orifice 26 as indicated by arrows 112. It should be understood that other preferred embodiments may realize the coupling between the orifice and the piston first face in other ways, e.g., a channel cut into the chamber 52 wall.

Thus, as shown in FIGS. 2A-2D, a user of the embodiment 20 may move the mode control member 24 to command either liquid 1 or 2 to be discharged through the orifice 26 as desired when liquid 2 is commanded and the supply of liquid 2 within chamber 52 is exhausted, liquid 1 will then automatically issue from the orifice. When the member 24 is placed in the "OFF" position shown in FIG. 2A, liquid 1 flows back to the diverter 36 and into the sink 40 as shown in FIG. 1, and no liquids are discharged through orifice 26.

FIGS. 3A, 3B are side views illustrating disassembled portions 120, 122 of the embodiment 20 of FIG. 1. The portion 122 includes the conduit 60 and piston 62 as shown, for example, in FIG. 2A while portion 120 includes the chamber 52. The chamber 52 is thus exposed for refilling with liquid 2. In this embodiment, the conduit 60 is flared at one end to retain the piston 62.

Liquid 2 may be poured into the chamber 52. Alternatively, FIG. 3C shows a frangible cartridge 124 which may be filled with liquid 2 and conveniently inserted into the chamber 52. A bore 126 is defined by the cartridge 124 to receive the conduit 60. Once the portions 120, 122 are reassembled, the cartridge may be ruptured by pressure thereon. This rupture may be facilitated by the presence of a sharp extension defined inward from the walls of the chamber 52.

The diverter 36 may be formed to mate with the tap 32 (shown in FIG. 1) in ways well known in the art (e.g. threaded to match the tap threads, equipped with a quick disconnect sleeve).

From the foregoing it should now be recognized that a liquid dispenser has been disclosed herein configured to operate with pressure from a liquid 1 source. Embodiments in accordance with the invention may be configured for special applications such as irrigation of the teeth and gums. Because they do not use electrical power, apparatus in accordance with the present invention may safely be used in the presence of fluids and electrical grounds.

The preferred embodiments of the invention described herein are exemplary and numerous modifications, dimensional variations and rearrangements can be readily envisioned to achieve an equivalent result, all of which are intended to be embraced within the scope of the appended claims.

What is claimed is:

1. Liquid dispensing dental apparatus operative from a pressurized supply of a liquid 1, comprising:

a housing defining a chamber for holding a liquid 2, said housing further defining an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

a piston having first and second faces, said piston slidably received in said chamber with said second face abutting said liquid 2;

a conduit defined by said housing to communicate with said orifice; and

valve means for coupling said inlet port with a selectable one of said conduit and said piston first face.

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2. The apparatus of claim 1 wherein said housing further defines an outlet port and said valve means comprises means for selectively directing liquid 1 from said inlet port to said outlet port.

3. The apparatus of claim 1 wherein said chamber 5 includes an endwall; and further comprising:

means, responsive to said piston positioned proximate to said endwall, for coupling said orifice with said piston first face.

4. The apparatus of claim 2 wherein said valve means 10 comprises:

a channel defined by said housing to communicate with said piston first face, said inlet port and said outlet port; and

a valve member slidably received in said channel.

5. The apparatus of claim 3 wherein said orifice coupling means comprises an enlarged chamber portion defined by said housing proximate to said endwall.

6. The apparatus of claim 1 further comprising valve means for selectively restricting said orifice.

7. The apparatus of claim 1 further comprising valve means, responsive to pressure from said supply, for blocking said orifice.

8. The apparatus of claim 2 further comprising:

a diverter defining a first and second passages; and means for coupling said diverter first and second passages respectively to said inlet port and said outlet port.

9. Liquid dispensing dental apparatus operative from a pressurized supply of a liquid 1, comprising:

a housing defining a chamber for holding a liquid 2, said housing further defining an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

a piston having first and second faces, said piston slidably 35 received in said chamber with said second face abutting said liquid 2;

a conduit defined by said housing to communicate with said orifice;

a channel defined by said housing to communicate with said inlet port, said piston first face and said conduit; and

a valve member slidably received in said channel for 40 movement between first and second position, said valve member defining a first passage to couple, in said first position, said inlet port with said conduit, and to couple, in said second position, said inlet port with said piston first face.

10. The apparatus of claim 9 wherein: 50
said housing defines an outlet port to communicate with said channel;

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said valve member moves within said channel to a third position; and

said valve member defines a second passage to couple, in said third position, said inlet port and said outlet port.

11. The apparatus of claim 9 wherein said chamber has an enlarged portion to couple said orifice with said piston first face when said piston is within said portion.

12. The apparatus of claim 9 wherein said piston defines an opening to slidably receive said conduit therein.

13. The apparatus of claim 10 further comprising a first flow control valve, responsive to pressure from said supply, arranged to block said orifice when said valve member is in said third position.

14. The apparatus of claim 9 further comprising a second flow control valve, responsive to adjustment by a user of said apparatus, arranged to restrict said orifice.

15. The apparatus of claim 10 further comprising:

a diverter defining a first and second passages; and

means for coupling said diverter first and second passages respectively to said inlet port and said outlet port.

16. A method for dental purposes of dispensing liquids in response to a pressurized supply of a liquid 1, comprising the steps of:

providing a housing;

defining, with said housing, a chamber for holding a liquid 2, an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

providing a piston having first and second faces;

receiving said piston slidably in said chamber with said second face abutting said liquid 2;

defining, with said housing, a conduit to communicate with said orifice; and

coupling said inlet port with a selectable one of said conduit and said piston first face to respectively dispense said liquid 1 or said liquid 2 from said orifice.

17. The method of claim 16 further comprising the steps of:

defining, with said housing, an outlet port; and

coupling said inlet port and said outlet port to direct said liquid 1 therebetween.

18. The method of claim 16 further comprising the steps of:

defining, with said housing, an endwall of said chamber; and

coupling, when said piston is proximate to said endwall, said orifice with said piston first face to dispense said liquid 1 from said orifice.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,511,693

DATED : April 30, 1996

INVENTOR(S) : William R. Weissman et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1, line 59, change "Fig. 2" to --Fig. 2A--.

Col. 2, line 49, after "position" delete --n--.

Col. 3, line 4, before "distinguish" add --is--.

Col. 3, line 13, after "seen" delete --,--.

Col. 3, line 15, after "control" change "a" to --or--.

Col. 3, line 34, change "How" to --flow--.

Col. 4, line 12, change "desired when" to --desired. When--.

Col. 5, line 42, delete "," before "conduit".

Col. 5, line 45, change "position" to --positions--.

Signed and Sealed this

Eighteenth Day of March, 1997

Attest:



BRUCE LEHMAN

Attesting Officer

Commissioner of Patents and Trademarks

Deposition of William R. Weissman – Deposition Exhibit No. 3

United States Patent No. 5,564,629

United States Patent [19]

Weissman et al.

[11] Patent Number: 5,564,629

[45] Date of Patent: Oct. 15, 1996

[54] ORAL IRRIGATING APPARATUS AND METHOD FOR SELECTIVELY MIXING AND DISCHARGING A PLURALITY OF LIQUIDS

[75] Inventors: William R. Weissman, 4418 Vineland Ave., North Hollywood, Calif. 91602; Peter Liapis, Los Angeles, Calif.; George Sanchez; Bernardo Baran, both of Woodlands Hill, Calif.

[73] Assignee: William R. Weissman, North Hollywood, Calif.

[21] Appl. No.: 255,702

[22] Filed: Jun. 7, 1994

[51] Int. Cl.⁶ B05B 7/28

[52] U.S. Cl. 239/8; 239/310; 239/313; 239/317; 239/322; 601/165; 604/83

[58] Field of Search 239/310, 313, 239/317, 322, 8; 601/165, 162; 604/82-85

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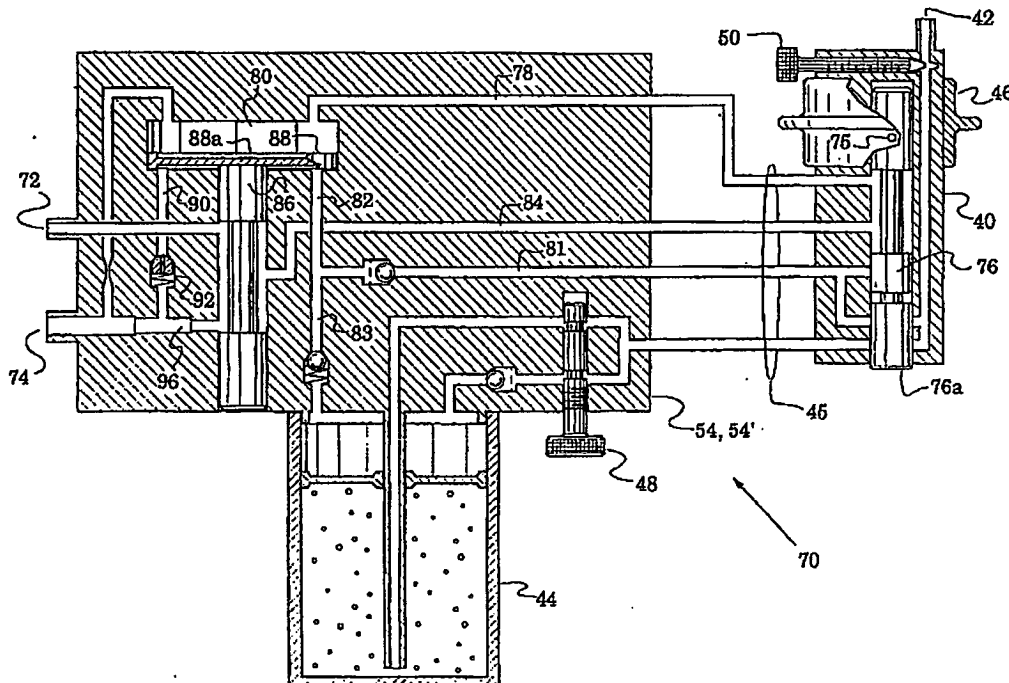
Primary Examiner—Andres Kashnikov

Attorney, Agent, or Firm—Ashen, Golant & Lippman

[57] ABSTRACT

An apparatus (20, 30) operative from a first liquid pressure only and configured to generate and selectively direct a stream of first liquid or a third liquid is disclosed. Since no electrical power is used, the apparatus can be safely operated in any moist environments (e.g. a shower). In preferred embodiments, the apparatus is configured to operate in series with a showerhead (22) and a sink tap (32) for dental irrigation. Either water or dental solution which is comprised of water mixed with dental concentrate, can be independently selected. A mixer valve (48) controls the concentration of the irrigating solution. A handheld syringe (40) contains all other controls necessary for operation.

23 Claims, 7 Drawing Sheets



Opposer EX. NO. 3
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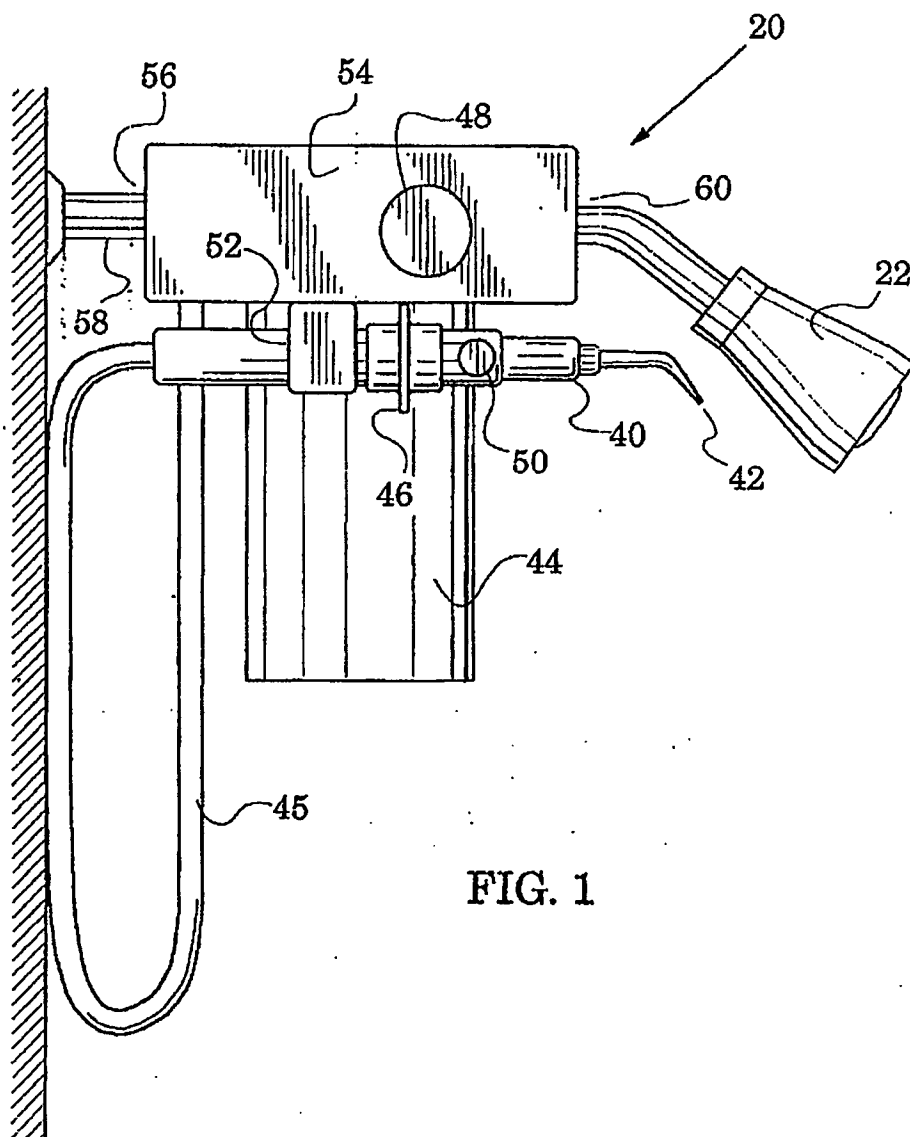


FIG. 1

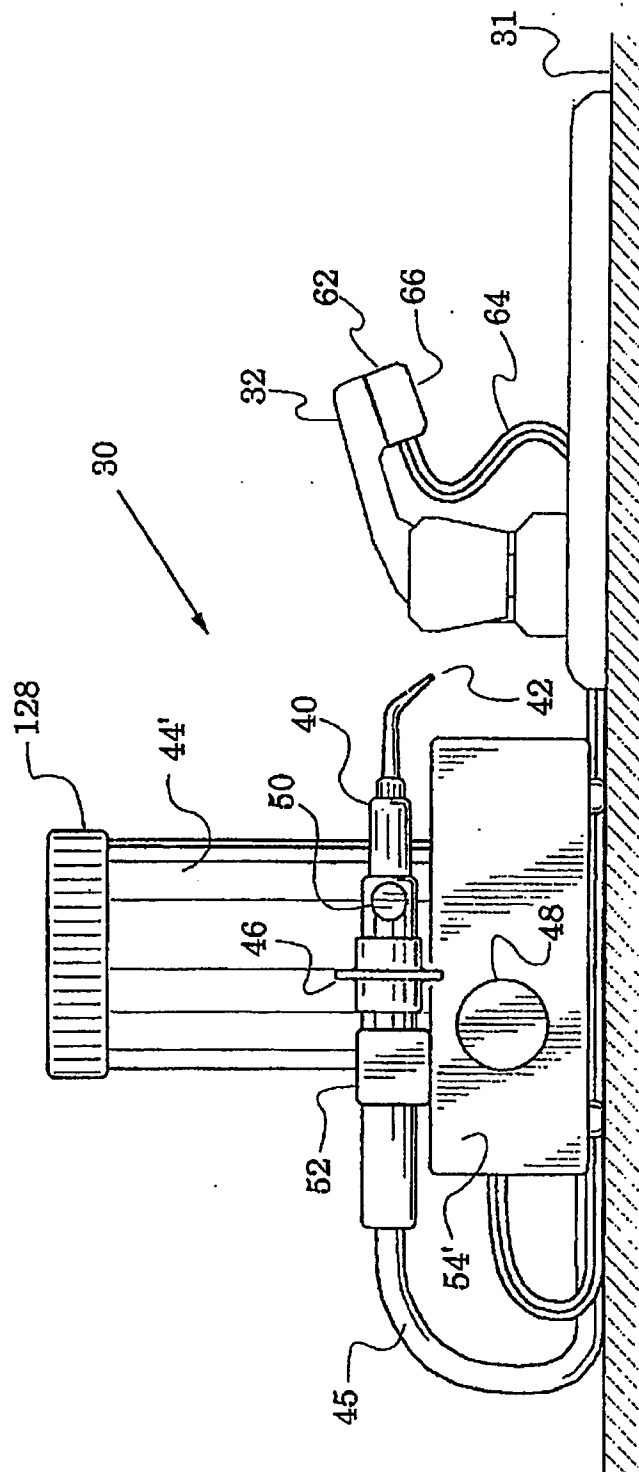


FIG. 2

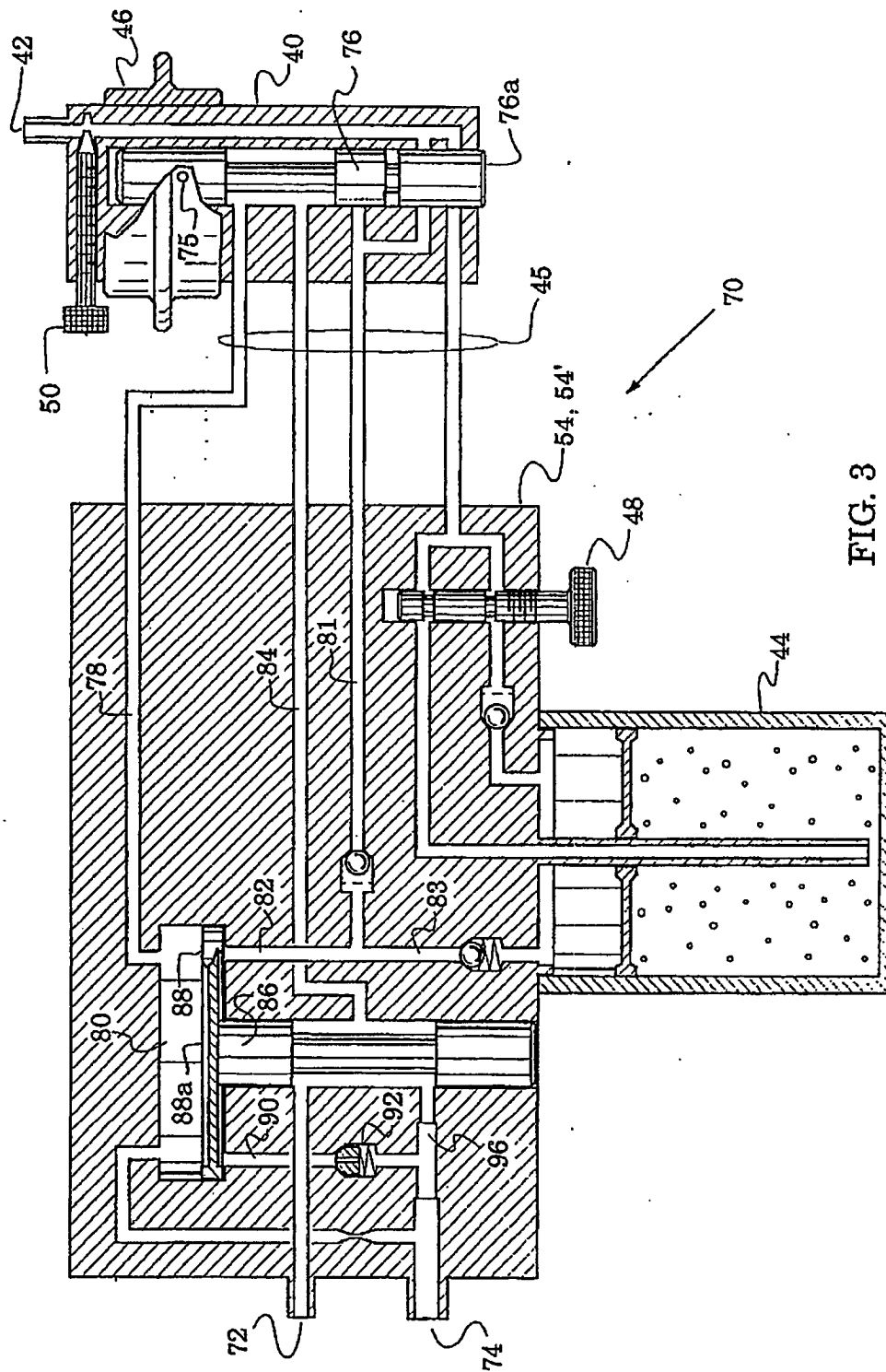


FIG. 3

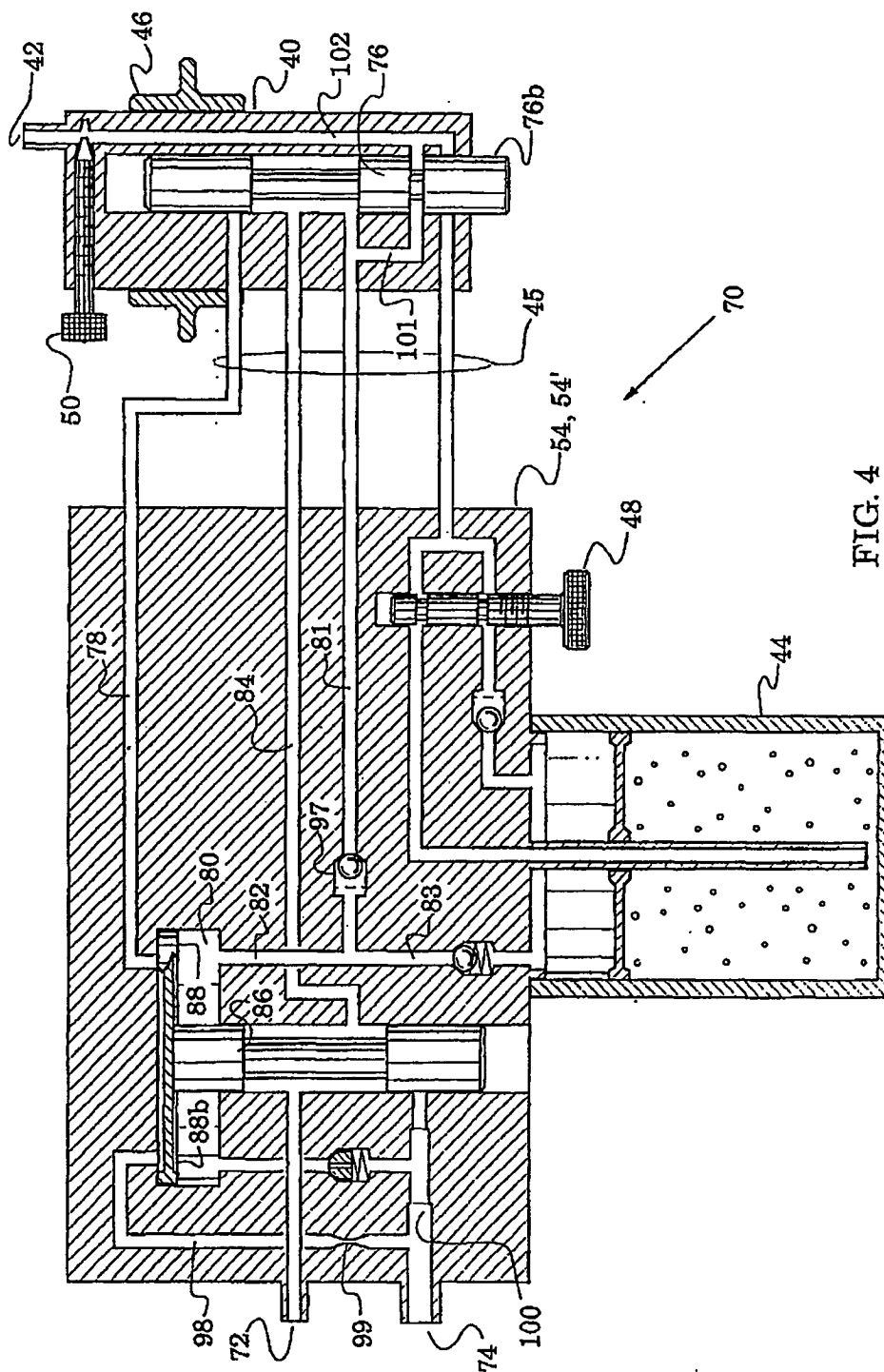


FIG. 4

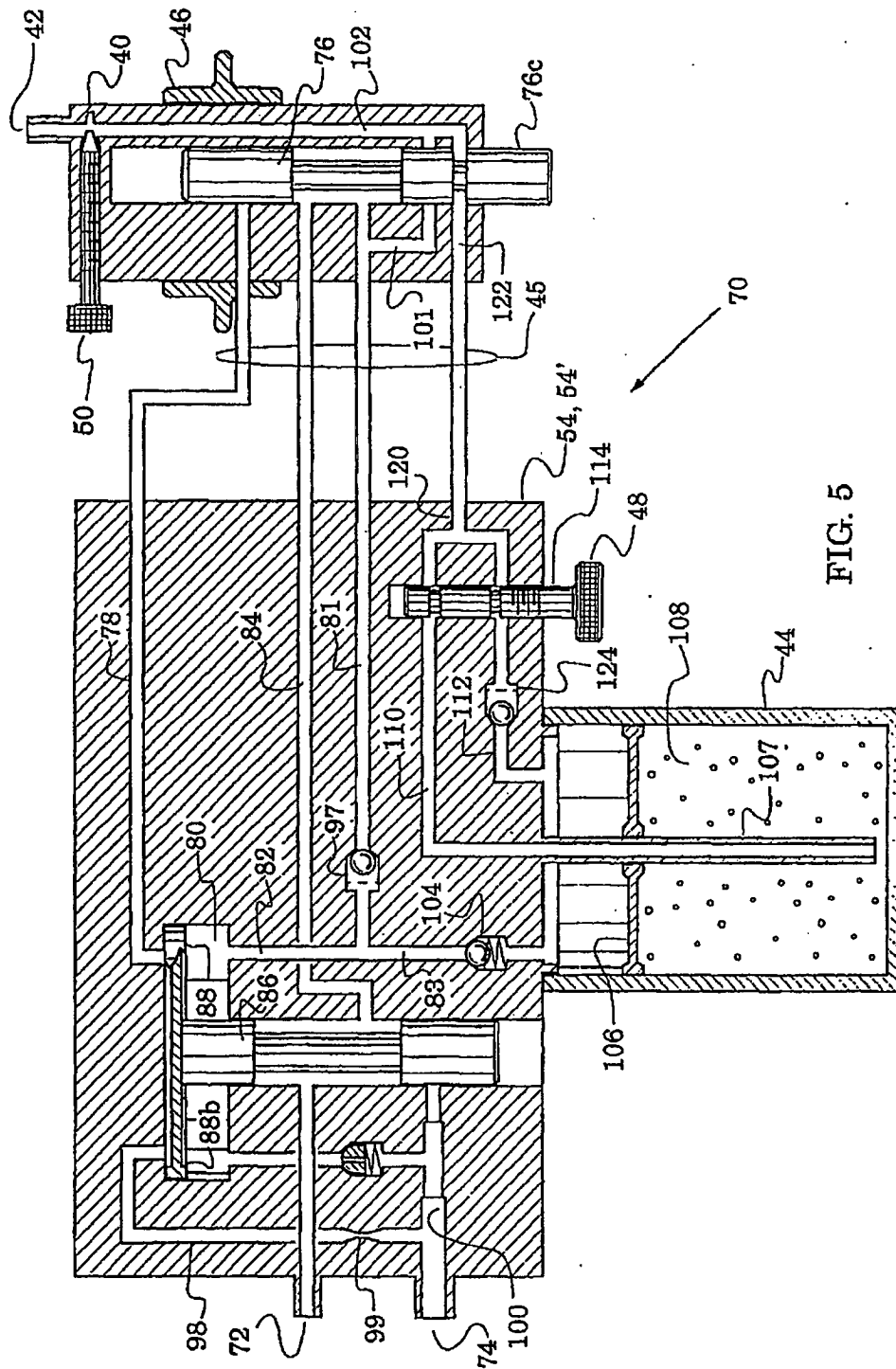


FIG. 5

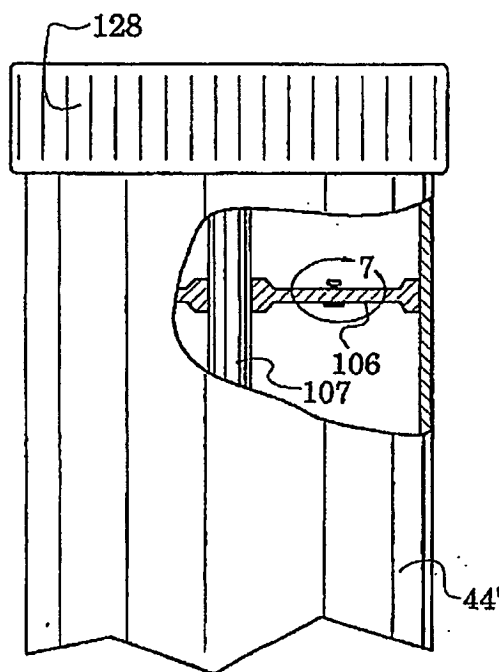


FIG. 6

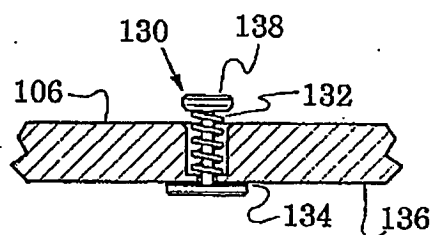


FIG. 7A

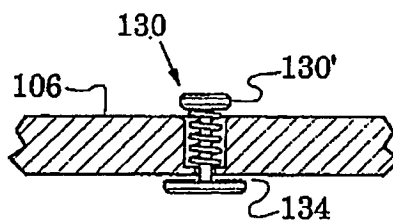
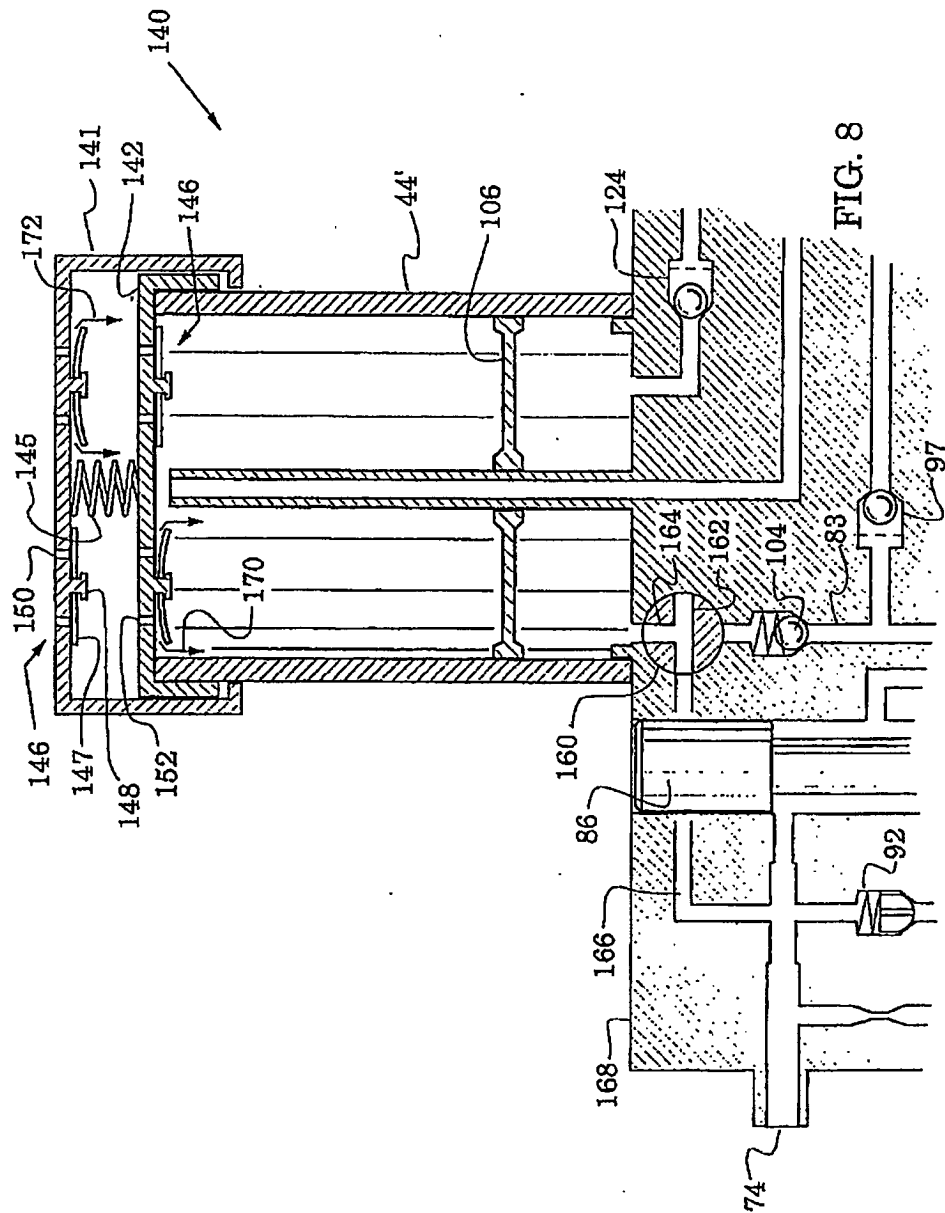


FIG. 7B



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ORAL IRRIGATING APPARATUS AND METHOD FOR SELECTIVELY MIXING AND DISCHARGING A PLURALITY OF LIQUIDS

TECHNICAL FIELD

The present invention relates generally to a dental liquid mixing apparatus and more particularly to such apparatus for mixing and applying a cleansing stream to teeth and/or gums.

BACKGROUND ART

Dental oral irrigating apparatus presently exist for generating and applying a stream of liquid to areas of a person's mouth. Some such apparatus are electrically powered and present potential danger to the user. Other such apparatus are powered and controlled by the liquid pressure from a water line. Examples of such latter units are disclosed in prior U.S. patents Nos. to Handler, et al., 5,218,956, to Gilbert, 3,500,824, to Drapen, et al., 3,225,759, to Chernack, 4,979,503. Such prior apparatus allow the user to selectively provide a discharge of only water or of water combined with a second liquid such as medication, mouthwash or the like. The apparatus disclosed by the above-noted patents all provide a reservoir for the secondary liquid mounted on the hand-holdable control and dispensing unit, which adds substantially to the size and weight of that unit. Further, because of the limited amount of secondary liquid that can be held in such a reservoir, the reservoir would have to be refilled frequently. These prior art apparatus also have various other limitations and deficiencies. Gilbert has no way to adjust the ratio of mix of the two liquids. In Handler the control of the flows of the primary and the additive liquids is controlled by two separately independently operable control levers so that the desired proportioning between the two liquids has to be reestablished each time the device is turned back on. In Drapen there are two separate controls on the handheld unit, one a depressible off/on switch, the other a rotatable element for controlling flow of the second liquid and which would appear to require the second hand of the user to operate. In Chernack there are two separate flow controls on the handheld unit. One an on/off for the second liquid and the other a water input flow control, with the amount or mixture of the second liquid being fixed with relation to the water flow.

Other water-powered oral irrigating devices disclosed secondary liquid reservoirs on the base, but lacked user control over the mixing ratio: See Harlem, et al., U.S. Pat. No. 5,004,158 and Thompson,

DISCLOSURE OF INVENTION

The present invention involves a liquid 1 pressure powered oral irrigating apparatus which enables a method of mixing apparatus a first liquid with a second liquid concentrate to create an irrigating stream third liquid and dispenses a selectable one of the first and second.

Apparatus in accordance with the invention are characterized by a container with a dispenser piston arranged therein coupled to a mixing structure to dispense a third liquid in response to pressurized first liquid received on a first side of the dispenser piston. The apparatus is further characterized by a control valve configured to selectively connect a pressurized first liquid supply to the dispenser piston first side and to selectively route either the first liquid or the third liquid to an orifice defined by the control valve.

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In a preferred embodiment the irrigating solution (third liquid) is formed by mixing pressurized first liquid adjoining the dispenser piston first side and a second liquid disposed between the piston second side and the container.

In a preferred embodiment a diverter valve is configured to divert first liquid from the pressurized liquid supply to a tap port in response to first liquid received from the control valve when it connects the liquid 1 supply to first and second control ports defined by the control valve. Thus a liquid tap such as a showerhead or sinktap can be selectively used with the apparatus.

In accordance with a feature of the invention, the apparatus is entirely powered by first liquid pressure enabling it to be safely used in moist environments (e.g. home showers).

In accordance with another feature of the invention a mixer valve selectively restricts passages communicating with the dispenser first and second sides to adjust the concentration of the third liquid.

The novel features of the invention are set forth with particularity in the appended claims. The invention will be best understood from the following description when read in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 is an elevation view of a preferred apparatus embodiment operative from a pressurized first liquid supply, in accordance with the present invention, installed in series with a shower head;

FIG. 2 is an elevation view of another preferred apparatus embodiment installed in series with a sink tap;

FIG. 3 is a schematic illustrating a preferred operational embodiment of the apparatus of FIGS. 1 and 2;

FIG. 4 a schematic illustrating another mode of the operational embodiment of FIG. 3;

FIG. 5 is a schematic illustrating another mode of the operational embodiment of FIG. 3;

FIG. 6 is a partial elevation view of the container in FIG. 2;

FIG. 7A is an enlarged view of the area within line 7 of FIG. 6;

FIG. 7B is a view similar to FIG. 7A; and

FIG. 8 is an inverted, enlarged view of a portion of FIG. 3 illustrating another preferred operational embodiment.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of a preferred embodiment 20 in accordance with the present invention, installed in series with a shower head 22 and FIG. 2 is an elevation view of another preferred embodiment 30 placed on a countertop 31 and installed in series with a sink tap 32.

These figures illustrate embodiments of the invention configured for a specific application, i.e. irrigation of the spaces between the teeth and gums in a home environment.

Apparatus in accordance with the invention may be configured to mix a first liquid with a second liquid to form a third liquid and to eject a liquid stream selected to be either the first liquid or the third liquid. Water is an exemplary first liquid while examples of second liquid include liquid medications and mouthwashes. Thus, it should be understood that the following description of the embodiments 20, 30 is

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exemplary of the variety of configurations, and uses thereof, in which the invention may be realized.

The embodiments 20, 30 each have a handheld syringe 40 defining an orifice 42 and respective containers 44, 44' which may be filled with one of various dental concentrates (e.g. mouthwash). The syringe 40 is located at the end of a connecting hose 45 and configured to be held in one hand for manipulation therewith to direct a stream of first liquid or third from the orifice 42 against the teeth and gums for cleaning thereof.

A sliding sleeve 46 on the syringe 40 may be operated with thumb and fingers to select between an "off" and two "on" positions; one in which only water is directed from the orifice 42 and a second in which a mixture of water and dental concentrate (to yield third liquid) is directed from the orifice 42. The mixture proportions are controlled with a mixture knob 48 while the flow rate of the stream may be adjusted with a flow rate knob 50.

In each of the embodiments 20, 30 the syringe 40 may, when not in use, be placed in a holder 52 attached to respective bases 54, 54'. In the embodiment 20, the base 54 defines an input port 56 which screws onto the wall pipe 58 and an output port 60 which receives the shower head 22. In the embodiment 30, a diverter head 62 is attached to the sink tap 32 to send water through a double hose 64 to the base 54' and back to issue through the diverter output 66.

In accordance with a feature of the invention, the apparatus is operative from a pressurized water supply. It is powered only by water pressure and no electricity, therefore there is no danger to a user, especially around plumbing electrical grounds. This even allows use of the apparatus in a shower as shown in FIG. 1.

The syringe 40 is conveniently located close to the tap or showerhead and can be operated with only the hand holding it except for adjusting the mixture knob 48 on an infrequent basis, and the user does not have to reach for any other controls (e.g. an on/off electrical switch).

In accordance with other features of the invention, water or a mixture of water and dental concentrate may be selected and the dental concentrate placed in the container 44 (44') may be controllably diluted by adjusting the mixture knob 48. This allows the use, in the container 44, 44', of a stronger concentrate so that the replacement period of the concentrate is extended.

Attention is now directed to the details of FIG. 3 which is a schematic illustrating a preferred operational embodiment 70 of the embodiments 20, 30 of FIGS. 1, 2 and to FIGS. 4, 5 which illustrate other modes of the embodiment 70. In these figures, as described above, the syringe 40 extends from a hose 45 which is attached to a base 54 (and 54') having a mixture control knob 48 and a container 44 (and 44'). As shown, the hose 45 defines a plurality of flexible tubes to allow the syringe 40 to communicate with the base 54 (54'). The base 54 (54') defines a supply port 72 (the input port 56 of FIG. 1 and a port receiving one end of the double hose 64 of FIG. 2) and a tap port 74 (the output port 60 of FIG. 1 and a port receiving the other end of the double hose 64 of FIG. 2). As also described above, the syringe 40 defines an orifice 42 and has a sliding sleeve 46 and a flow control knob 50. In FIG. 3, the sleeve 46 is seen to be attached (e.g. by a pin 75) to a control valve in the form of a control spool valve 76 which is in a position 76a to supply water from a pressurized water supply attached to the water supply port 72 through a passage 84 and return passage 78 to a cylinder 80. This is the "off" mode referred to above. FIGS. 4, 5 illustrate respectively two other positions 76b,

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76c defining two "on" modes in each of which, water from the supply port 72 is directed through passage 84 and passages 81, 82 to the other side of the cylinder 80 and through passages 81, 83 to the container 44 (44') (for clarity of illustration the sleeve 46 is shown only in section in FIGS. 4, 5).

In all three modes, the control spool valve 76 receives water from the supply port 72 through a passage 84 which communicates through a diverter spool valve 86 but it should be understood that in other embodiments of the invention the control spool valve 76 may communicate directly with the supply port 72.

In the "off" mode shown in FIG. 3, water supplied to the cylinder 80 causes a diverter piston 88, defined by the diverter spool valve 86, to go to the position 88a in which water is diverted to the tap port 74 for normal use of the water tap with which the apparatus is installed (e.g. the shower head 22 of FIG. 1, the sink tap 32 of FIG. 2). In this case, the syringe 40 would normally be placed in the holder 52 as shown in FIGS. 1, 2.

A passage 90 provides a path for water to be relieved from the back side of the piston 88 to the tap port 74. This passage 90 has a pressure control valve 92 with a restricted orifice therein. This orifice allows water flow but develops back pressure needed to move the piston 88 to the operational modes to be described in FIGS. 4, 5. The pressure control valve 92 also has spring release to protect the apparatus from damage in case of excessively high water pressure from the supply port 72. The tap port 74 defines a step 96 therein which lowers back pressure therein to enhance water flow through the passage 90. In the mode of FIG. 3, the water pressure delivered at the supply port 72 is available at the external tap connected to the tap port 74 and the external tap may be on or off as desired.

Attention is now directed to the two operational "on" modes depicted in FIGS. 4, 5. In both modes, spool valve positions 76b, 76c, shown in respectively FIGS. 4, 5, supply water through passage and passages 81, 82 to drive the diverter piston 88 from position 88a (FIG. 3) to position 88b. The diverter piston 88 is seen, therefore, to be reciprocable responsive to water supplied through passages 78, 82 connected to first and second control ports defined by the control spool valve 76. A one way valve 97 prevents reverse water flow through the control spool valve 76 as it transitions between positions 76b and 76c.

A passage 98 with a restriction 99 allows water from the upper side of the cylinder 80 to be relieved to the tap port 74. The restriction 99 develops back pressure to facilitate movement of the diverter piston 88 to the position 88a illustrated in FIG. 3. The tap port 74 defines a second step 100 to reduce back pressure therein and enhance flow through passage 98.

In the control spool valve position 76b of FIG. 4, water received from the supply port 72 is routed through passages 101, 102 to exit from the orifice 42. In this operational mode water may be directed from the syringe 40 against teeth and gums and the flow rate of the water adjusted with a flow control valve in the form of a threaded needle valve (defined by the flow control knob 50) which can progressively restrict passage 102.

Finally, attention is directed to FIG. 5 illustrating the control spool valve position 76c. In this position, water received by the control spool valve 76 from the supply port 72 can no longer flow through passage 101 so that it is now directed through a spring urged pressure control valve 104 in passage 83 to urge a dispenser piston 106 to slide

downward on a tube 107 into the container 44 (44') to exert pressure on a dental concentrate 108.

Water pressure via the passage 83 thus provides water via passage 112 and dental concentrate via the tube 107 and passage 110 to a mixer spools a needle valve 114. In the position shown in FIG. 5 the needle valve 114 allows substantially equal flows of water and concentrate into passage 120. It is apparent that movement of the threaded needle valve 114 by means of its knob 48 will increase the flow of one of these liquids through passage 120 at the expense of the other. The mixed fluids flow through the control spool valve 76 via passages 122, 102 to issue from the orifice 42.

Thus, the container 44 (44') and its associated elements (e.g. piston 106, tube 107, passages 83, 110, 112, needle valve 114) form a dispenser of a mixture of water and dental concentrate 108 through passage 120. A one way valve 124 in passage 112 inhibits contamination of water above the dispenser piston 106 with dental concentrate 108 during transitions between operational modes. The control spool valve 76 directs water to this dispensing means and also routes water to the orifice 42 when in position 76b (FIG. 4) and diluted dental concentrate to the orifice 42 when in position 76c (FIG. 5).

Although not explicitly shown in the apparatus 20 of FIG. 1 (or in FIGS. 3-5), the container 44 is removably attached to the base 54 by means well known in the art (e.g. threaded interface) so that it may be removed for refilling with dental concentrate 108.

In the apparatus 30 of FIG. 2, refilling is facilitated by a container removable lid 128. After the lid is removed the apparatus may be inverted to remove water in the container 44'. Because the dispenser piston 106 sealingly fits the container 44', the container inner wall is relieved proximate the lid 128 to facilitate water flow about the dispenser piston 106 when the apparatus is inverted to eliminate the water in the container 44'. After the apparatus 30 is placed back on the countertop 31, the piston 106 is pushed to the lower end of the container 44' and the container refilled with dental concentrate. A push rod may be provided with the apparatus 30 to facilitate returning the piston downward in the container 44'. Such a push rod could be removably mounted to the base 54' when not in use.

To facilitate pressing the piston 106 downward against air trapped behind it, a small relief valve 130 is disposed in the piston as shown in FIG. 6 which is a partial elevation view of the container 44' and in FIGS. 7A, 7B which are enlarged views of the area within the line 7 of FIG. 6. The relief valve 130 is normally urged by a spring 132 to compress a rubber seal 134 against the piston 106 lower surface 136. A knob 138 is defined at the end of the valve stem and manually pressing it downward places the valve 130 in position 130' illustrated in FIG. 7B. This allows air trapped below the piston 106 to be released as the piston 106 is depressed.

Another preferred operational embodiment 140, for the apparatus 30 of FIG. 2, is shown in FIG. 8 which is an inverted, enlarged view similar to a portion of FIG. 3. The embodiment 140 enables the removal of water in the container 44' without inversion of the apparatus as described above. In this embodiment, a cap 141 is slidably-mounted to a lid 142 (e.g. by tongue and groove engagement therebetween) and the combination is mounted to a container 44' (e.g. by threaded engagement between lid 142 and container 44'). The cap 141 and lid 142 are urged apart by a spring 145. The cap 141 and lid 142 each have one way valves 146 comprising resilient washers 147 received over downward

extending bosses 148 to respectively cover cap vents 150 and lid vents 152.

A rotary valve 160 is inserted into passage 83 to exhaust water trapped behind the piston 106 to the tap port 74. For normal operation, the valve 160 is turned to connect, with its bore 162, the pressure control valve 104 and the container 44'. In this position the bore 164 is oriented to face away from a passage 166 in the base 168 leading to the tap port 74. This position of the rotary valve 160 connects the pressure relief valve 104 to the container in a manner similar to that shown for embodiment 70 of FIGS. 3, 4 and 5.

To move the piston 106 downward in the container 44', the rotary valve 160 is turned to the position illustrated in FIG. 8 which connects the container 44' via valve bores 162, 164 to the passage 166. The passage 166 is directed past the diverter valve 86 to tap port 74.

Depression of the cap 141 against the urging of the spring 145 causes air between the cap 141 and the lid 142 to be forced through the lid valves 146 as indicated by one lid washer 147 shown in broken line and arrows 170 (during this depression, the cap valves would be closed as shown by the solid line cap valve directly above the broken line open lid valve). When the cap is allowed to rise under urging of the spring 145, air is drawn in through cap valves 146 as indicated by one cap washer 147 shown in broken line and the arrows 172 (during this rise, the lid valves would be closed solid line lid valve directly below the broken line open cap valve). Repeated depression of the cap 141 thus increases the air pressure within the container 44' to depress the piston 106 as water trapped behind it exits, via the rotary valve 160 and passage 166, to the tap port 74.

The rotary valve 160 may define a manual adjustment member (e.g. a knob) that is accessible exterior to the base member 168 for adjustment of the valve position.

For clarity of illustration, other details necessary to the operational modes illustrated in FIGS. 3, 4 and 5 (e.g. O ring seals associated with diverter spool valve 86 and control spool valve 76) have not been shown where they are well known to one skilled in the art.

The teachings of the invention may be extended to an apparatus having an operational embodiment similar to the embodiment 70 illustrated in FIGS. 3-5 but without the diverter spool valve 86 and tap port 74. That is, an apparatus can be configured to operate from a pressurized liquid source without the need to selectively divert liquid to a water tap such as the showerhead 22 of FIG. 1 or sink tap of FIG. 2.

From the foregoing it should now be recognized that exemplary apparatus embodiments have been disclosed herein configured specifically for cleansing of teeth and gums. Generally, embodiments of the invention may be configured for generating a stream of water or cleansing solution for irrigating of any restricted access area. Although the described preferred embodiments have an orifice configured to define a fine stream of liquid it should be understood that the orifice may generally assume any shape. Apparatus in accordance with the present invention operate solely with water pressure and are, therefore, safe to use in any moist environment.

The preferred embodiments of the invention described herein are exemplary and numerous modifications, dimensional variations and rearrangements can be readily envisioned to achieve an equivalent result, all of which are intended to be embraced within the scope of the appended claims.

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What is claimed is:

1. Apparatus operative from a pressurized first liquid supply, comprising:

dispension means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means inlet and for routing to said orifice a selected one of said first liquid and said third liquid,

mixing means for adjustably mixing said first liquid and said second liquid to form said third liquid,

said mixing means comprising a mixer spool valve.

2. Apparatus operative from a pressurized first liquid supply, comprising:

means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means outlet and for routing to said orifice a selected one of said first liquid and said third liquid,

said control valve means further defining first and second control ports and comprising means for supplying said first liquid to a selectable one of said first and second control ports; and further comprising:

valve means, defining a tap port and responsive to the first liquid received from said first and second control ports, for selectively diverting the first liquid received from said first liquid supply to said tap port.

3. The apparatus of claim 2 wherein said diverting valve means comprises a diverter piston reciprocally responsive to first liquid received from said first and second control ports.

4. The apparatus of claim 2 wherein said diverting valve means comprises a diverter spool valve.

5. Apparatus operative from a pressurized first liquid supply, comprising: means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means outlet and for routing to said orifice a selected one of said first liquid and said third liquid,

said dispensing means comprising a dispenser piston slidably received in said container to be responsive to said first liquid directed there against,

said apparatus further comprising means for moving said piston within said container to facilitate filling thereof with said second liquid.

6. Apparatus operative from a pressurized first liquid supply, comprising: a container for holding a second liquid;

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a dispenser piston defining first and second sides and slidably disposed in said container to abut said second liquid with said second side;

a base member configured to carry said container, said base member defining a supply port connectable to said pressurized first liquid supply, a container inlet passage communicating with said dispenser piston first side and a container outlet passage communicating with said dispenser piston first and second sides;

a control valve defining a first liquid inlet, a first control port, a third liquid inlet and an orifice, said control valve configured to selectively connect said first liquid inlet to said first control port and to connect a selected one of said first liquid inlet and said third liquid inlet to said orifice; and means for connecting;

a) said base member supply port and said control valve first liquid inlet;

b) said control valve first control port and said container inlet passage; and

c) said container outlet passage and said control valve third liquid inlet.

7. The apparatus of claim 6 wherein:

said base member further defines a tap port; and

said control valve further defines a second control port and is configured to connect a selected one of said first and second control ports to said control valve first liquid inlet;

and further comprising a diverter valve configured to connect said supply port to said tap port in response to first liquid received from said first and second control ports.

8. The apparatus of claim 6 further comprising: valve means for selectively communicating between said piston first side and said tap port; and means for increasing the pressure against said piston second side.

9. The apparatus of claim 6 wherein said container outlet passage comprises first and second mixer passages communicating respectively with said first and second dispenser piston sides;

and further comprising a mixer valve adjustably carried by said base member to selectively restrict said first and second mixer passages.

10. The apparatus of claim 6 further comprising a flow control valve for selectively restricting said orifice.

11. A method of forming an apparatus operative from a pressurized first liquid supply to dispense a liquid stream, comprising the steps of:

configuring a container to hold a second liquid;

disposing a dispenser piston having first and second sides slidably in said container to abut said second liquid with said second side;

forming a base member defining a first liquid inlet passage communicative with said dispenser piston first side and defining an outlet passage communicative with said dispenser piston first and second sides, said outlet passage thus mixing said first liquid and said second liquid to form a third liquid;

forming a control valve to define an orifice and receive first liquid from said first liquid supply and said third liquid from said outlet passage; and

configuring said control valve to selectively direct said first liquid to said first liquid inlet passage and to route to said orifice a selected one of said first liquid and said third liquid.

12. The method of claim 11 further comprising the steps of: defining, with said control valve, first and second control ports;

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configuring said control valve to selectively supply said first liquid to said and second control ports; and

forming a diverter valve to define a tap port and to selectively divert first liquid received from said first liquid supply to said tap port in response to first liquid received from said first and second control ports.

13. A dental liquid mixing and dispensing apparatus powered and controlled by water pressure, said apparatus comprising:

- a) a stationary base for being connected to a pressurized source of water,
- b) a reservoir for holding a quantity of a second liquid,
- c) discharging means in communication with the reservoir for delivering a flow of said second liquid,
- d) an elongated flexible hose connected at one end to the base,
- e) a hand-holdable, light-weight portable control and dispensing unit connected to the other end of the hose, and having a manually operable flow control and a dispensing outlet,
- f) a separate mixing means disposed between the dispensing outlet on the one hand, and the second liquid discharging means and the water source on the other hand, said mixing means being selectively adjustable by the user to establish a user-set ratio of the flow of the pressurized water to the flow of the second liquid to the dispensing outlet, said mixing means being independent of the flow control of said hand-holdable unit and being operable to maintain said user-set ratio regardless of the mode of operation of the apparatus,

said flow control on said hand-holdable unit being manually selectively operable to cause the apparatus to function in at least a selected one of the following two modes of operation to either 1) block all flow from said dispensing outlet, or 2) allow flow in said user-set ratio from said dispensing outlet.

14. The apparatus of claim 13 wherein said second mode of operation includes (i) providing a flow of the pressurized water from the source to the reservoir so as to actuate, by virtue of the pressure of the water, the discharge means to deliver a flow of the second liquid from said reservoir to the mixing means, (ii) providing a flow of the water from the source to the mixing means, (iii) passing said flows from (i) and (ii) through the user-set mixing means to provide a combined flow of the water and second liquid in the user-set ratio, and (iv) directing that combined flow to and out through the dispensing outlet.

15. The apparatus of claim 14 wherein said hose contains the following liquid carrying lines:

- a) a first line communicating with the source of the pressurized water for providing a flow of the water to the unit,
- b) a second line for providing a bypass for a return flow of the water from the unit,
- c) a third line for providing a return control flow of the water to the second liquid discharging means, and
- d) a fourth line communicating with the discharging means for receiving a flow of the second liquid mixed with the water to the unit.

16. The apparatus of claim 13 wherein said flow control is selectively operable to cause the apparatus to function in the following additional mode of operation to

- 3) provide a flow of the water from the source on through the dispensing outlet.

17. The apparatus of claim 16 wherein said hand-holdable control and dispensing unit is proportioned and arranged to

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be held in one hand of a user, said unit having a single movable control member movable by a finger of that one hand while the hand holds the unit to selectively cause the apparatus to operate in any one of said three modes.

18. The apparatus of claim 17 wherein said hand-holdable unit contains a single shiftable spool valve movable between three operative positions that each cause one of said modes of operation.

19. A dental liquid mixing and dispensing apparatus powered and controlled by water pressure, said apparatus comprising:

- a) a stationary base for being connected to a pressurized source of a water,
- b) a reservoir for holding a quantity of a second liquid, said reservoir including discharging means for delivering a flow of said second liquid,
- c) an elongated flexible hose connected at one end to the base,
- d) a hand-holdable, light-weight portable control and dispensing unit connected to the other end of the hose, and having a manually movable flow control and a dispensing outlet,
- e) a separate mixing means disposed between the dispensing outlet on the one hand, and the second liquid discharging means and the water source on the other hand, said mixing means being selectively adjustable by the user to establish a user-set ratio of the flow of the pressurized water to the flow of the second liquid to the dispensing outlet, said mixing means being independent of the flow control of said hand-holdable unit and being operable to maintain said user-set ratio regardless of the mode of operation of the apparatus,

said flow control on said hand-holdable unit comprising a single movable control member, said control member being manually selectively movable to cause the apparatus to function in a selected one of at least the following three modes of operation to either:

- 1) block all flow from said dispensing outlet, or
- 2) provide a flow of the water from the source out through the dispensing outlet, or
- 3) (i) provide a flow of the water from the source to the reservoir so as to actuate, by virtue of the pressure of the water the discharge means to deliver a flow of the second liquid from said reservoir to the mixing means, (ii) provide a flow of the first liquid from the source to the mixing means, (iii) pass said flows from (i) and (ii) through the user-set mixing means to provide a combined flow of the first and second liquids in the user-set ratio, and (iv) direct that combined flow to and out through the dispensing outlet.

20. The apparatus of claim 19 wherein said hand-holdable control and dispensing unit is proportioned and arranged to be held in one hand of a user, said movable control member being movable by a finger of that one hand while the hand holds the unit to selectively cause the apparatus to operate in any one of said three modes.

21. The apparatus of claim 20 wherein said hand holdable unit contains a single shiftable spool valve movable between three operative positions that each cause one of said modes of operation.

22. The apparatus of claim 19 wherein said hose contains the following liquid carrying lines:

- a) a first line communicating with the source of the pressurized water for providing a flow of the water to the unit,

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- b) a second line for providing a bypass for a return flow of the water from the unit,
 - c) a third line for providing a return control flow of the water to the second liquid discharging means, and
 - d) a fourth line communicating with the discharging means for receiving a flow of the second liquid mixed with the water to the unit. 5
23. A method of providing selected dental liquid flows of a main carrier liquid of pressurized water along and mixed with a supplemental liquid, said method comprising the steps of: 10
- a) directing a flow of pressurizing water to a hand-holdable portable controller and dispenser unit having a dispensing outlet, 15
 - b) providing a supply of a supplemental liquid at a stationary base location,

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- c) setting a mixing means for a desired ratio of water flow to supplemental liquid flow,
- d) operating controls on the hand-holdable unit to select between the following three modes of operation:
 - 1) discharging a flow of water from the dispensing outlet, or
 - 2) blocking all flow from the dispensing outlet, or
 - 3) (i) diverting at least a portion of the flow of water to the supply of supplemental liquid and utilizing the pressure of that flow of water to discharge a flow of the supplemental liquid from the supply, (ii) mixing a flow of main water with a flow of supplemental liquid in the desired ratio by directing said liquid flows through the set mixing means, and (iii) directing the mixed liquids to the dispensing outlet.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,564,629

Page 1 of 2

DATED : October 15, 1996

INVENTOR(S) : William R. Weissman et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1 line 49, after "Thompson" insert --5,220,914--.

Col. 1 line 56, after "mixing" delete --apparatus--.

Col. 2 line 36, after "Fig. 4" insert --is--.

Col. 3 line 16, after "orifice" delete --:--.

Col. 4, line 38, after "passage" insert --84--.

Col. 4, line 38, after "and" insert --return--.

Col. 4, line 50, change "7.1" to --74--.

Col. 5, line 5, change "spools a" to --spool or--.

Col. 5, line 57, change "Which" to --which--.

Col. 6, line 13, before "container" delete --,--.

Col. 6, line 25, change "145'" to --145--.

Col. 6, line 28, after "closed" insert --as shown by the--.

Col. 9, line 2, after "said" insert --first--.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,564,629

Page 2 of 2

DATED : October 15, 1996

INVENTOR(S) : William R. Weissman et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 10, line 59, change "hand holdable" to --hand-holdable--.

Signed and Sealed this

Eighteenth Day of February, 1997

Attest:



BRUCE LEHMAN

Attesting Officer

Commissioner of Patents and Trademarks

Deposition of William R. Weissman – Deposition Exhibit No. 4

United States Patent No. 5,556,001

United States Patent [19]

Weissman et al.

[11] Patent Number: 5,556,001

[45] Date of Patent: Sep. 17, 1996

[54] MIXING APPARATUS FOR FLUIDS
OPERATIVE FROM A PRESSURIZED
LIQUID 1 SUPPLY-DESIGN I

[76] Inventors: William R. Weissman, 4418 Vinland Ave., North Hollywood, Calif. 91602; Peter Liapis, 7188 Sunset Blvd. Suite 204, Los Angeles, Calif. 90069; George Sanchez, 22201 Ventura Blvd.; Bernardo Baran, 22201 Ventura Blvd., both of Woodland Hills, Calif. 91364

[21] Appl. No.: 255,703

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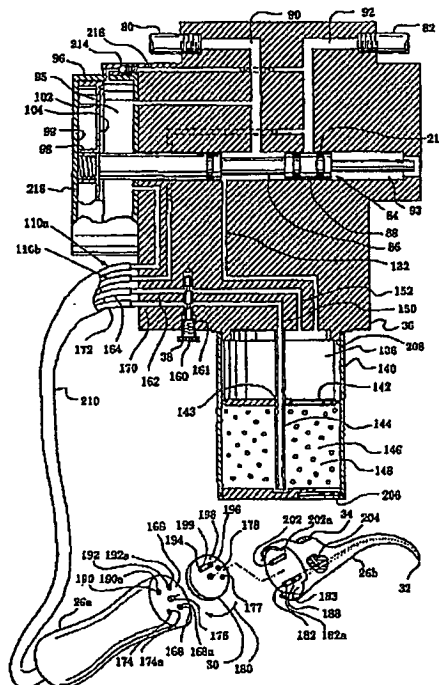
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Primary Examiner—Andres Kashnikov
Assistant Examiner—Kenneth R. DeRosa

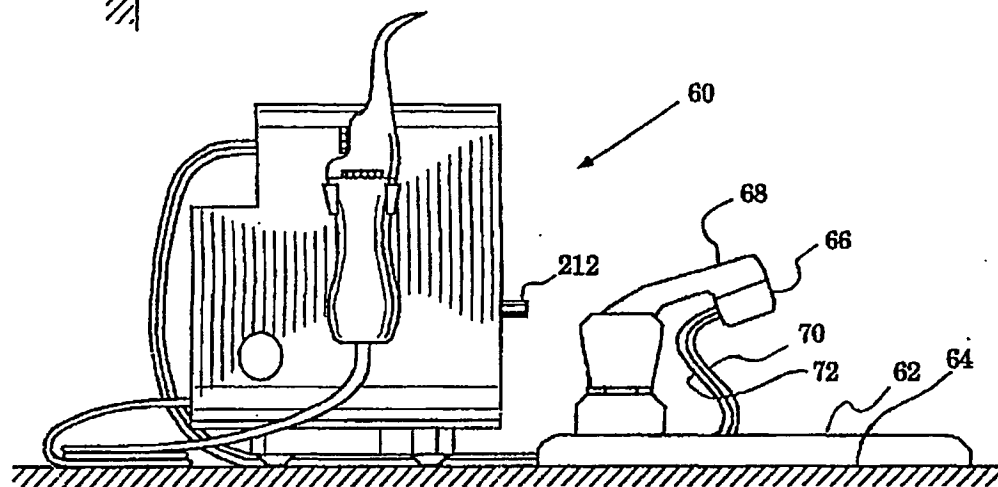
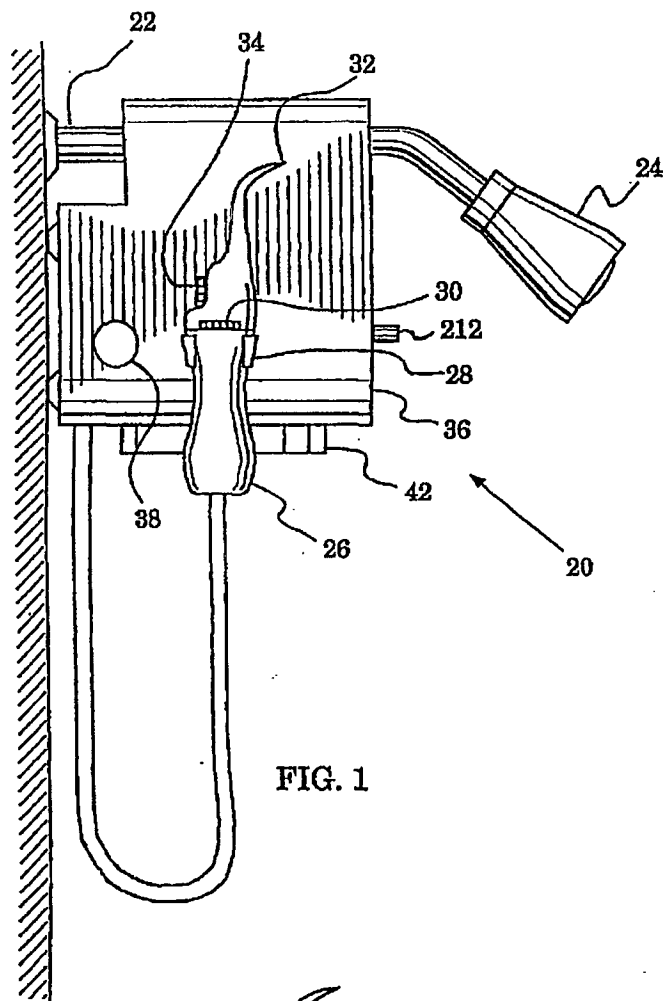
[57] ABSTRACT

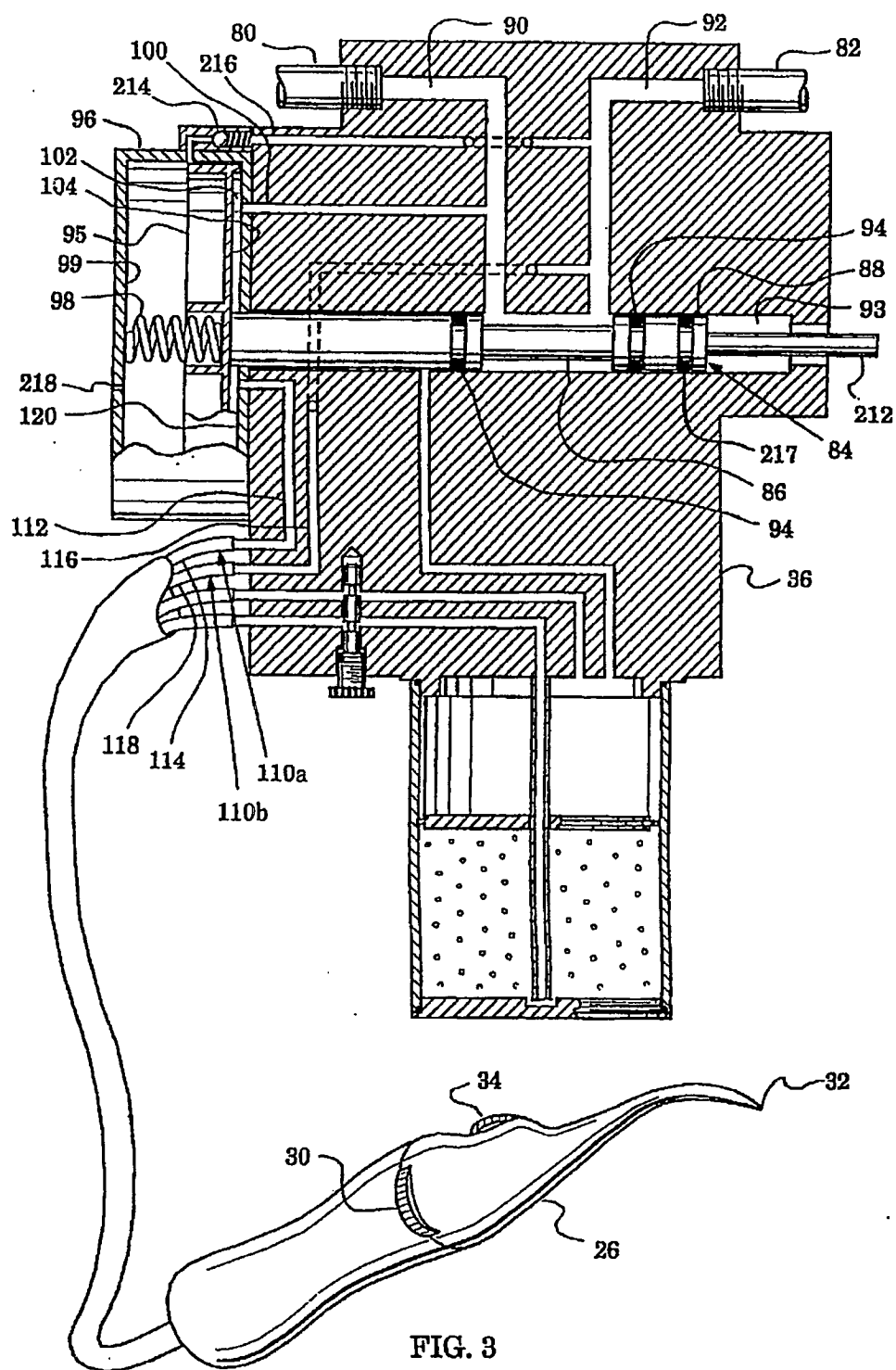
An apparatus (20, 60) capable of dispensing a liquid 1 (e.g. water) or a liquid 1/liquid 2 mixture through a hand held syringe (26) and configured, in embodiments thereof, to be attached to a showerhead (24) or sink faucet (68) is provided. Liquid 2 (e.g. a dental concentrate) is held in a container (140) and dispensed by liquid 1 pressure on a piston (142) therein. A spool valve (84) responsive to a liquid 1 pressure bleed line (110a, 110b) diverts liquid 1 from the showerhead or sink faucet to drive the piston. The apparatus is controlled by a mode control disc (30) mounted in the syringe. Provisions for adjusting the flow rate of the dispensed liquid (34) and the proportional mix of the liquid 1/liquid 2 mixture (160) are provided.

20 Claims, 3 Drawing Sheets



Deposited EX. NO. 4
PAGES 2 / 27 / 08
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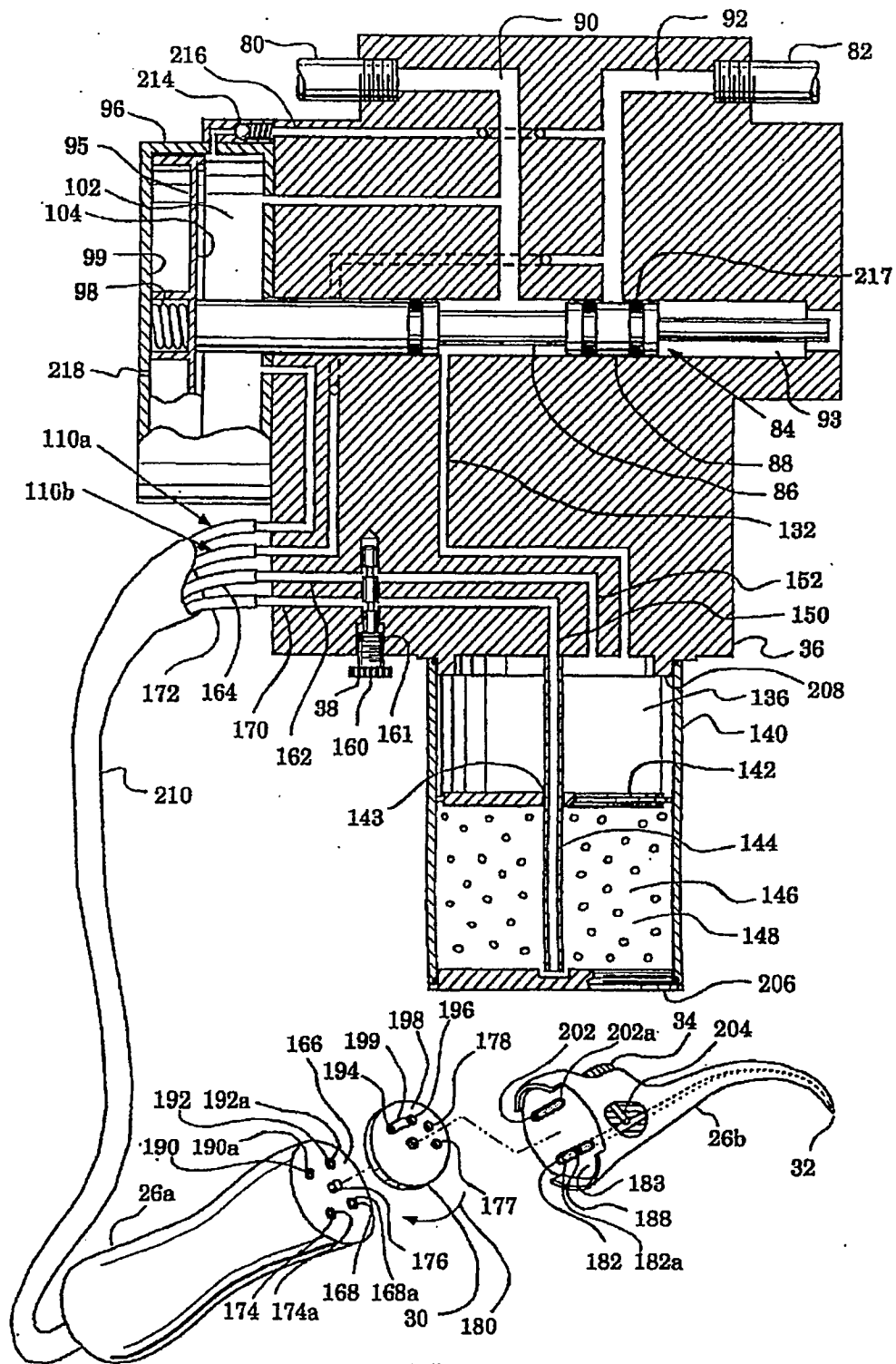


FIG. 4

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MIXING APPARATUS FOR FLUIDS OPERATIVE FROM A PRESSURIZED LIQUID 1 SUPPLY-DESIGN I

TECHNICAL FIELD

The present invention relates generally to fluid mixing apparatus and more particularly to apparatus for mixing and applying an irrigating stream.

BACKGROUND ART

Mixing apparatus for generating and applying a stream of liquid (e.g. water, soap mixture, alcohol, disinfectant, industrial cleanser) find particular utility in irrigating recessed areas which are otherwise difficult to reach.

Such apparatus generally provide a handheld syringe terminating in an orifice which facilitates directing the liquid stream about the object to be irrigated. A user typically must use the other hand to operate an electrical switch to energize the generator. They typically are capable of applying only one liquid, that being one placed in an internal container, and do not allow the concentration of this liquid to be adjusted, i.e. it cannot be adjustably diluted (e.g. with water) to reduce consumption.

An exemplary application of such apparatus is the irrigating of spaces between teeth and gums at home or in a dental office. Apparatus configured specifically for this application typically employ electrically powered pumps which introduces the presence of a high voltage apparatus into an environment having excellent electrical grounds close at hand (e.g. sink taps, shower pipes) which is a combination dangerous to the user.

DISCLOSURE OF INVENTION

The present invention is directed to liquid 1 pressure powered apparatus for generating and directing an irrigating stream.

Apparatus in accordance with the invention are characterized by a liquid 2 dispenser configured to be responsive to a diverter valve interposed between a liquid supply inlet and outlet. A syringe is configured to control the diverter valve and control flow of liquids 1 and 2 from the dispenser and diverter valve.

In accordance with a feature of the invention the apparatus is configured to mix liquids 1 and 2 to a proportion selected by the user and to dispense either liquid 1 or a liquid 3 which is a liquid 1 and 2 mixture as selected by the user.

In accordance with another feature of the invention, the apparatus is entirely powered by liquid 1 pressure enabling it to be safely used in moist environments (e.g. home showers, industrial cleaning booths).

In a preferred embodiment a spool valve responsive to a liquid 1 pressure bleed line is used to divert liquid 1 to a piston actuated dispenser.

The novel features of the invention are set forth with particularity in the appended claims. The invention will be best understood from the following description when read in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 is an elevation view of a preferred apparatus embodiment, in accordance with the present invention, mounted at a showerhead;

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FIG. 2 is an elevation view of another preferred embodiment mounted at a bathroom faucet;

FIG. 3 is a schematic of the apparatus of FIGS. 1 and 2 illustrating a non-dispensing mode; and

FIG. 4 is a schematic of the apparatus of FIGS. 1 and 2 illustrating a dispensing mode.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of an apparatus 20, in accordance with the present invention, interposed between a liquid 1 (e.g. water) supply inlet 22 and a showerhead 24. The apparatus 20 has a hand held syringe 26 which may be removed from a holder 28. A mode control disc 30 is used to control the apparatus between a non-dispensing and a dispensing mode. In the non-dispensing mode liquid 1 issues from the showerhead 24 and the syringe 26 may be left in the holder 28. In the dispensing mode the mode control disc 30 may be set to positions in which liquid 1 or a mixture (liquid 3) of liquid 1 and a liquid 2 concentrate issues from the orifice 32. In the dispensing mode water does not issue from the showerhead 24.

Also located on the syringe 26 is an flow adjustment knob 34 which is used to adjust the flow rate of the liquid 1 or 3 issuing from the orifice 32. Disposed on the apparatus body 36 is a mixture adjustment knob 38 which changes the proportional mix of the liquid 3 that is dispensed from the orifice 32.

The flow and mixture adjustments (knobs 34, 38) are made only occasionally. Once they have been set to the user's satisfaction, the use of the apparatus 20 is simple. For normal use of the showerhead 24, the syringe 26 is left in the holder 28 with the mode control disc 30 in the non-dispensing setting. To use the syringe 26, it is lifted from the holder 28 and set in either the liquid 1 dispensing position or the liquid 3 dispensing position by moving the mode control disc 30 appropriately. One can alternate between use of the showerhead 24 and the syringe 26 by simple movement of the mode control disc 30.

Thus, for example, teeth and gums may be effectively irrigated without the handling of tubes or other concentrate containers. Irrigating with the syringe 26 is a simple maneuver accomplished while taking a shower or bath and cleanup is almost nonexistent. Only occasionally is it necessary to unscrew a concentrate container 42 from the bottom of the body 36 and refill it with liquid concentrate.

FIG. 2 is an elevation view of another apparatus 60 in association with a bathroom sink 62 and countertop 64. The apparatus 60 is similar to the apparatus 20 and differs primarily in its disposition with the liquid 1 supply. A standard faucet adaptor 66 is used at the faucet head 68 to interpose the apparatus 60 between a liquid 1 supply inlet 70 and a liquid 1 supply outlet 72. In other respects the functioning of the apparatus 60 is the same as that of the apparatus 20.

FIGS. 1 and 2 illustrate embodiments of the invention configured for a specific application, i.e. irrigating the teeth and gums in a home environment. Generally, however, apparatus in accordance with the invention will find application and utility for irrigating hard to access areas in a variety of environments, e.g. home, factory, medical office, veterinarian office. Examples of such applications include cleaning of ears, electrical circuit board cleaning, surgical cleaning, and use as a douche.

Apparatus in accordance with the invention may be configured to generate a stream of liquid 1 or a liquid 3 comprising a liquid 2 concentrate and the liquid 1. Examples of a liquid concentrate include alcohol, industrial cleaner, disinfectant and concentrates directed to dental irrigating. Thus it should be understood that the description of the embodiments 20, 60 are exemplary of the variety of configurations, and uses thereof, in which the invention may be realized. In these specific embodiments, liquid 1 is water and liquid 2 is a dental dentifrice.

Attention is now directed in detail to FIG. 3 which is a schematic of the apparatus 20, 60 illustrating the structure and functioning thereof in the non-dispensing mode. The body 36 is represented in section and shows a liquid 1 supply inlet 80 and a liquid 1 supply outlet 82 inserted therein. A diverter spool valve 84 is shown in the non-dispensing mode in which the recessed portion 86 of the spool 88 allows communication between the supply inlet 80 and the supply outlet 82 by way of bores 90, 92 and 93.

The spool 88 slides within bore 93 and is sealed thereto by O rings 94. It is attached at one end to a piston 95 disposed within a cylinder 96. The piston 94 is urged to the non-dispensing position by a spring 98 bearing against a wall 99 of the cylinder 96.

The liquid 1 supply inlet 80 communicates by means of a supply line, defined by bores 90 and 100, with the chamber 102 defined between the cylinder 96 and the face 104 of the piston 95. The chamber 102 is connected to the supply outlet bore 92 by a liquid 1 pressure bleed line. The bleed line is comprised of a first bleed line 110a running from the chamber 102 to the syringe 26 and a second bleed line 110b running from the syringe 26 to the outlet supply bore 92. The first bleed line 110a includes bore 112 and flexible tube 114. The second bleed line 110b includes bore 116 and flexible tube 118 (bore 116 is shown in dashed lines in areas where it passes under other bores).

In the non-dispensing mode illustrated in FIG. 3 the first bleed line 110a is connected through the syringe 26 to the second bleed line 110b (details of this connection are disclosed below in the description of FIG. 4). Because the liquid 1 pressure in the showerhead 24 or the faucet 68 is low, this bleed line connection relieves pressure in the chamber 102 and consequently the piston 95, under urging of the spring 98, abuts the cylinder face 120. Thus, in the non-dispensing mode, a passage remains open from the supply inlet 80 to the supply outlet 82.

FIG. 4 is a schematic, similar to FIG. 3, illustrating the dispensing mode of the apparatus (20, 60 of FIGS. 1, 2). In FIG. 4 the syringe 26 has been disassembled into a handle 26a, a mode control disc 30 and a tip 26b defining the orifice 32. In the dispensing mode the first bleed line 110a and the second bleed line 110b are interrupted, as will be explained below, at their juncture in the syringe 26. As a result the pressure in the chamber 102 is not relieved and the cylinder 95 is urged, against the urging of the spring 96 to abut the wall 99. In this position the recessed portion 86 of the spool 88 connects, through bores 90, 93 and 132, the supply inlet 80 to the chamber 136 within container 140. Bore 132 thereby defines a diverter outlet from the spool valve 84.

A piston 142 has a hole 143 therein which receives a rigid tube 144 mounted in the body 36. Liquid 1 pressure bears on the piston 142 and liquid 2 (dentifrice) 146 in the chamber 148 below the piston 142 is urged thereby to flow up the tube 144 into bore 150.

Thus, in the dispensing mode liquid 1 and liquid 2 are separately urged in, respectively, bores 152 and 150 past a

differential flow rate adjustment spool valve 160 (the mixture adjustment knob 38 of FIG. 1 is attached thereto). Each of the bores 150, 152 correspond with one of two recessed portions in the spool valve 160. The spool valve is rotatably threaded into the body 36 and sealed thereto with an O ring 161. The recessed portions are arranged so that when one is aligned with one of the bores 150, 152, the other is misaligned with the other of the bores. Thus when one bore has been fully restricted the other has been minimally restricted.

Liquid 1 is carried past the spool valve 160 through bore 162 and flexible conduit 164 to a face 166 of the syringe handle 26a where the conduit 164 terminates in a port 168 surrounded by an O ring 168a. Similarly, liquid 2 is carried past the spool valve 160 in bore 170 and flexible conduit 172 to terminate at the face 166 in a port 174 surrounded by an O ring 174a.

Mode control disc 30 is rotatably mounted on a pin 176 projecting from the face 166 and has a pair of holes 177, 178. It can be seen that, as the mode control disc is turned in direction 180, hole 177 can be aligned with port 168. This movement will also align the hole 177 with the recessed mixing chamber 182 in face 183 of the syringe tip 26b. The mixing chamber 182 is surrounded with an O ring 182a and communicates through a narrowing tube 188 with the orifice 32. When the handle 26a, disc 30 and tip 26b are assembled the faces of the disc 30 abut the O rings 168a and 174a. Thus liquid 1 is restrained to flow through hole 177 and issue from the orifice 32. For reference purposes, this position of the mode control disc 30 will be denoted position 2.

If the mode control disc 30 is turned further in direction 180 the holes 177, 178 will be aligned with, respectively, ports 174, 168. This is denoted position 3 and in this position liquid 1 and liquid 2 are restrained to flow through, respectively, holes 178, 177 into the mixing chamber 182. Thus in position 3 of the mode control disc 30, liquid 1 and liquid 2 mix in the chamber 182 and then issue through orifice 32. In this position the proportional mix of liquid 1 and liquid 2 that issues from the orifice 32 may be changed by adjusting the proportional flow rate spool valve 160. Since the spool valve 160 controls the relative flow rates it effectively changes the proportional mix at the mixing chamber 182.

The first bleed line 110a and second bleed line 110b, described above relative to FIG. 3, terminate, respectively, at the face 166 in ports 190, 192 ringed by O rings 190a, 192a. When the mode control disc 30 is in positions 2 and 3 described above, the hole 194 in the disc 30 does not align with port 190. Thus the O ring 190a is abutted by the disc 30 and the bleed line comprised of first and second bleed lines 110a, 110b is interrupted. This keeps the spool valve 88 in the position shown in FIG. 4.

A final position, which can be denoted position 1, of the mode control disc 30 is shown in FIG. 4 where hole 194 and a second hole 196 align with, respectively, ports 190, 192. The face 198 of the mode control disc 30 defines a slot 199 that connects holes 194, 196. The face 183 of the tip 26b defines a corresponding groove 202 surrounded by an O ring 202a. In position 1 the first bleed line 110a and second bleed line 110b are connected through holes 194, 196 and the space defined by slot 199 and groove 202. Thus position 1 of the control disc 30 activates the non-dispensing mode illustrated in FIG. 3 while positions 2 and 3 activate the dispensing mode illustrated in FIG. 4.

The flow adjustment knob 34, shown in FIG. 4, is attached to a body that is threadably mounted in the tip 26b and terminates in a pin 204. Thus the knob 34 can be rotated to cause pin 204 to protrude into tube 188 to reduce flow from the orifice 32.

The container 140 is internally threaded at the upper and lower margins thereof. A lid 206 and a protruding ring 208 of the body 36 are correspondingly threaded. Thus the lid 206 can be placed on the container 140, the container filled with dentifrice, the piston 142 placed therein and the assembly mounted on the ring 208. The ring 208 and the lid 206 carry O rings to seal against the container 140.

The conduits 164, 172 and first and second bleed lines 110a, 110b are covered by a flexible sheath 210.

In FIG. 3 (and FIGS. 1, 2) it may be seen that the spool 88 terminates in a tip 212 protruding out through the body 36. The tip 212 may be used to free the spool valve 84 and attached piston 95 if they become fixed within the body 36 because of a buildup of soap film or other foreign matter.

As shown in FIGS. 3 and 4, chamber 102, formed by cylinder 96 and the face 104 of piston 95, is connected past a ball check valve 214 and through bores 216 and 92 to the supply outlet 82. Excessive liquid 1 pressure from the supply inlet 80 will open the check valve 214 to the supply outlet 82 and, thereby, protect the apparatus from damage. An O ring 217 in the spool valve 84 prevents liquid 1 from exiting through bore 93.

The piston 94 fits closely within the cylinder 96 to prevent liquid 1 from bypassing it. Due to this close fit it is necessary, as shown in FIGS. 3 and 4, to have an orifice 218 in the cylinder 96, located behind the piston 95, to vent it to atmospheric pressure.

From the foregoing it should now be recognized that exemplary apparatus embodiments have been disclosed herein configured specifically for cleansing of teeth and gums. Generally, however, embodiments of the invention may be configured for generating a stream of liquid 1 or 3 for irrigating of any restricted access area. Although the described preferred embodiments have an orifice configured to define a fine stream of liquid it should be understood that the orifice may generally assume any shape. Apparatus in accordance with the present invention operate solely with liquid 1 pressure and are, therefore, safe to use in any moist environment.

Although the present invention has been described with reference to preferred embodiments, numerous modifications and rearrangements can be made with the equivalent result still embraced within the scope of the invention.

What is claimed is:

1. A method for dispensing liquid 1 and liquid 2 from an orifice, comprising the steps of;

interposing a diverter valve between a liquid 1 supply inlet and a liquid 1 supply outlet wherein said diverter valve is configured to connect, in a first position thereof, said supply inlet and said supply outlet, and, in a second position thereof, a diverter outlet therefrom and said supply inlet;

configuring said diverter valve to move from said first valve position to said second valve position when a pressure bleed line is interrupted;

urging, with liquid 1 from said diverter outlet, a dispenser piston against liquid 2 in a container to dispense it therefrom;

conducting, separately, said liquid 1 and said liquid 2 from, respectively, said diverter outlet and said container, to a syringe defining an orifice therefrom;

selecting, with a control valve in said syringe that interrupts said bleed line, between said first position and said second position of said diverter valve; and

controlling, with said control valve, the flow of said liquid 1 and said liquid 2 from said orifice.

2. A method as defined in claim 1 further comprising the steps of:

adjusting, differentially, the flow rate of said liquid 1 and said liquid 2; and

mixing said liquid 1 and said liquid 2 before dispensing from said orifice.

3. A method as defined in claim 2 wherein said controlling step comprises the steps of:

configuring a liquid 1 line and a liquid 2 line to conduct said liquid 1 and said liquid 2 to said orifice;

disposing a rotatable disc defining a pair of holes therein across said liquid 1 line and said liquid 2 line to conduct said liquid 1 and said liquid 2 to said orifice when said pair of holes align therewith.

4. A method as defined in claim 1, wherein said configuring step comprises the steps of:

defining a spool valve with a piston thereon;

disposing said piston in a cylinder;

defining a liquid 1 supply line from said supply inlet to said cylinder; and

defining a pressure bleed line from said cylinder via said control valve to said supply outlet.

5. Apparatus, comprising:

a syringe defining an orifice therefrom;

diverter valve means, interposed between a liquid 1 supply inlet and a liquid 1 supply outlet, adapted to be responsive to liquid 1 pressure relief and defining a diverter outlet, for directing, when in a first valve position, liquid 1 from said supply inlet to said supply outlet and, when in a second valve position, liquid 1 from said supply inlet to said diverter outlet;

means, containing liquid 2 and connected to said diverter outlet to be responsive to liquid 1 received therefrom, for separately dispensing said liquid 1 and said liquid 2;

liquid pressure relief means, disposed between said syringe and said diverter valve means, for selecting one of said first valve position and said second valve position; and

control means, disposed in said syringe between said dispensing means and said orifice, for controlling, via said liquid 1 pressure relief means, the valve position of said diverter valve means and for controlling the flow of said liquid 1 and said liquid 2 from said orifice.

6. Apparatus as defined in claim 6 wherein said dispensing means further comprises means for adjusting the flow rate of said liquid 1 and said liquid 2 dispensed therefrom.

7. Apparatus as defined in claim 5 wherein said dispensing means further comprises conduit means for conducting said liquid 1 and said liquid 2 separately to said control means.

8. Apparatus as defined in claim 5 wherein said diverter valve means comprises;

a diverter spool valve defining, at an end thereof, a pressure piston;

a cylinder enclosing said pressure piston;

a spring urging said diverter spool valve to said first valve position where said diverter spool valve connects said supply inlet to said supply outlet;

and

a liquid 1 supply line from said supply input to said cylinder for urging said pressure piston to said second valve position where said diverter spool valve connects said supply inlet to said diverter outlet.

9. Apparatus as defined in claim 8 wherein said pressure relief means comprises a liquid 1 pressure bleed line

directed from said cylinder via said control means to said supply outlet whereby said spool valve is urged from said first valve position to said second valve position when said bleed line is interrupted by said control means.

10. Apparatus as defined in claim 5 wherein said dispensing means comprises;

a container holding said liquid 2;

a dispenser piston enclosed by said container and urged, by liquid 1 from said diverter outlet, against said liquid 2;

a liquid 2 passageway from said container; and

a liquid 1 passageway communicating with said diverter outlet;

whereby said liquid 1 and said liquid 2 are dispensed from, respectively, said

liquid 1 passageway and said liquid 2 passageway when said diverter valve means is in said second valve position.

11. Apparatus as defined in claim 7 wherein said conduit means comprises: a liquid 1 line connecting said liquid 1 passageway and said orifice; and a liquid 2 line connecting said liquid 2 passageway and said orifice.

12. Apparatus as defined in claim 11 wherein said control means comprises a disc defining a hole therethrough, said disc rotatably disposed to intersect said liquid line and said concentrate line to block passage therethrough except when said hole aligns therewith.

13. Apparatus as defined in claim 9 wherein;

said bleed line comprises:

a first bleed line from said cylinder to said syringe; and a second bleed line from said syringe to said supply outlet; and

said control means comprises;

a face defining a groove therein; and

a disc defining a passage comprising a pair of holes and a slot therebetween;

said disc rotatably disposed abutting said face to connect said first bleed line and said second bleed line when said pair of holes align therewith and

said slot aligns with said groove.

14. Apparatus as defined in claim 11 further comprising means, disposed in said syringe, for mixing said liquid 1 and said liquid 2.

15. Apparatus as defined in claim 14 wherein:

said control means comprises a disc defining a pair of holes therethrough, said disc rotatably disposed to

complete said liquid 1 line and said liquid 2 line when said pair of holes align therewith; and

said mixing means comprises a chamber defined by said syringe and

connected to said orifice, said chamber communicating with said pair of holes when they align with said liquid 1 line and said liquid 2 line.

16. Apparatus as defined in claim 10 wherein said dispensing means further comprises means for adjusting the flow rate of said liquid 1 and said liquid 2 dispensed therefrom.

17. Apparatus as defined in claim 16 wherein said adjusting means comprises an adjustment spool valve having a first annular groove corresponding with said liquid 1 passageway and a second annular groove corresponding with said liquid 2 passageway; said adjustment spool valve disposed such that longitudinal movement thereof restricts one of said liquid 1 passageway and said liquid 2 passageway as it frees the other.

18. Apparatus as defined in claim 10 wherein said liquid 2 passageway comprises a tube arranged within said container and said dispenser piston defines a hole therein for receiving said tube to be guided thereon.

19. Apparatus, comprising:

a syringe defining an orifice therefrom;

diverter valve means, interposed between a liquid 1 supply inlet and a liquid 1 supply outlet, adapted to be responsive to liquid 1 pressure relief and defining a diverter outlet, for directing, when in a first valve position, liquid 1 from said supply inlet to said supply outlet and, when in a second valve position, liquid 1 from said supply inlet to said diverter outlet;

means, containing liquid 2 and connected to said diverter outlet to be responsive to liquid 1 received therefrom, for separately dispensing said liquid 2 and said liquid 1; and

control means, disposed in said syringe between said dispensing means and said orifice, for controlling the valve position of said diverter valve means by providing liquid 1 pressure relief and for controlling the flow of said liquid 1 and said liquid 2 from said orifice.

20. Apparatus as defined in claim 19 wherein said control means comprises liquid 1 pressure relief means, disposed between said syringe and said diverter valve means, for selecting one of said first valve position and said second valve position.

* * * * *

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Word Mark	AQUAJETT
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Standard Characters Claimed	
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Attorney of Record	Thomas I Rozsa
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Registration Number: (NOT AVAILABLE)

Mark

AQUAJETT

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ORNDORFF LINDA B

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United States

Legal Entity Type: Ltd Liab Co**State or Country Where Organized:** California

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Dental instruments, namely, oral irrigators

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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2007-07-27 - TEAS Change Of Correspondence Received

2007-07-24 - Opposition instituted for Proceeding

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TARR Status **ASSIGN Status** **TDR** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)

OMNIJET

Word Mark	OMNIJET
Goods and Services	IC 010. US 026 039 044. G & S: Dental instruments, namely, oral irrigators
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78892761
Filing Date	May 25, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	September 12, 2006
Owner	(APPLICANT) Omnisource DDS, LLC LTD LIAB CO CALIFORNIA 10902 Riverside Drive North Hollywood CALIFORNIA 91602
Attorney of Record	Thomas I. Rozsa
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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M. ELLERSICK, CSR 10531 WIT: W. J. S. Smith
2/26/2008

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Serial Number: 78892761 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

OMNIJET

(words only): OMNIJET

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2007-12-20

Filing Date: 2006-05-25

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2006-12-05

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
CLAYTON CHERYL A

Current Location: 700 -Intent To Use Section

Date In Location: 2007-12-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC**Address:**

Omnisource DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States

Legal Entity Type: Ltd Liab Co**State or Country Where Organized:** California

GOODS AND/OR SERVICES**International Class:** 010**Class Status:** Active

Dental instruments, namely, oral irrigators

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-20 - Extension 2 granted

2007-12-03 - Extension 2 filed

2007-12-03 - PAPER RECEIVED

2007-08-24 - Extension 1 granted

2007-05-23 - Extension 1 filed

2007-05-23 - PAPER RECEIVED

2007-05-23 - Assigned To Examiner

2006-12-05 - Notice of allowance - mailed

2006-09-12 - Published for opposition
2006-09-01 - Review Of Correspondence Complete
2006-08-24 - PAPER RECEIVED
2006-08-23 - Notice of publication
2006-07-20 - Law Office Publication Review Completed
2006-07-14 - Assigned To LIE
2006-07-13 - Approved for Pub - Principal Register (Initial exam)
2006-07-12 - Assigned To Examiner
2006-06-01 - Attorney Revoked And/Or Appointed
2006-06-01 - TEAS Revoke/Appoint Attorney Received
2006-06-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas I. Rozsa

Correspondent

THOMAS I. ROZSA
ROZSA LAW GROUP LC
18757 BURBANK BLVD STE 220
TARZANA, CA 91356-3346
Phone Number: (818) 783-0990
Fax Number: (818) 783-0992

Deposition of William R. Weissman – Deposition Exhibit No. 7

Printout from the U.S. Trademark Office re Application for the Mark
OMNIPK



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OMNIPK

Word Mark	OMNIPK
Goods and Services	IC 010. US 026 039 044. G & S: Dental instruments, namely, oral irrigators
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78811971
Filing Date	February 10, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	September 12, 2006
Owner	(APPLICANT) Omnisource DDS, LLC CORPORATION CALIFORNIA 10902 Riverside Drive North Hollywood CALIFORNIA 91602
Attorney of Record	THOMAS I. ROZSA
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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M. ELLERSICK, CSR 10531 WIT: *W. Ellersick*
2/26/2008

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Serial Number: 78811971 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

OMNIPK

(words only): OMNIPK

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2007-01-09

Filing Date: 2006-02-10

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
BUTLER ANDREA P

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC

Address:

Omnisource DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Dental instruments, namely, oral irrigators

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-21 - TEAS Change Of Correspondence Received

2007-05-23 - Assigned To Examiner

2007-01-09 - Opposition instituted for Proceeding

2006-10-12 - Extension Of Time To Oppose Received

2006-09-12 - Published for opposition

2006-08-29 - Review Of Correspondence Complete

2006-08-23 - Notice of publication

2006-08-18 - PAPER RECEIVED

2006-07-20 - Law Office Publication Review Completed

2006-07-14 - Assigned To LIE

2006-07-13 - Approved for Pub - Principal Register (Initial exam)

2006-07-12 - Assigned To Examiner

2006-06-01 - Attorney Revoked And/Or Appointed

2006-06-01 - TEAS Revoke/Appoint Attorney Received

2006-02-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

THOMAS I. ROZSA

Correspondent

THOMAS I. ROZSA

Rozsa Law Group LC

Suite 220

18757 Burbank Boulevard

Tarzana CA 91356

Phone Number: 818-783-0990

Fax Number: 818-783-0992

Deposition of William R. Weissman – Deposition Exhibit No. 8

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SHOWERJET



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SHOWERJET

Word Mark SHOWERJET
Goods and Services IC 010. US 026 039 044. G & S: ORAL IRRIGATORS
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 76595958
Filing Date June 7, 2004
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition March 21, 2006
Owner (APPLICANT) OMNISOURCE DDS, LLC LIMITED LIABILITY COMPANY CALIFORNIA
10902 RIVERSIDE DR. NORTH HOLLYWOOD CALIFORNIA 91601
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Thomas I. Rozsa
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 76595958 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

SHOWERJET

(words only): SHOWERJET

Standard Character claim: Yes

Current Status: A request for the third extension of time to file a statement of use has been granted.

Date of Status: 2007-11-20

Filing Date: 2004-06-07

The Notice of Allowance Date is: 2006-06-13

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
HARDY LUDLOW TARAH KIM

Current Location: 700 -Intent To Use Section

Date In Location: 2007-11-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. OMNISOURCE DDS, LLC

Address:
OMNISOURCE DDS, LLC
10902 RIVERSIDE DR.
NORTH HOLLYWOOD, CA 91601
United States

Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 010
Class Status: Active
ORAL IRRIGATORS
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-20 - Extension 3 granted
2007-10-29 - Extension 3 filed
2007-10-29 - PAPER RECEIVED
2007-08-24 - Extension 2 granted
2007-05-23 - Extension 2 filed
2007-07-27 - TEAS Change Of Correspondence Received
2007-05-23 - PAPER RECEIVED
2006-12-23 - Extension 1 granted
2006-11-06 - Extension 1 filed
2006-11-06 - PAPER RECEIVED
2006-10-25 - Automatic Update Of Assignment Of Ownership
2006-10-24 - Review Of Correspondence Complete

2006-08-18 - PAPER RECEIVED
2006-06-13 - Notice of allowance - mailed
2006-06-01 - Attorney Revoked And/Or Appointed
2006-06-01 - TEAS Revoke/Appoint Attorney Received
2006-03-21 - Published for opposition
2006-03-01 - Notice of publication
2005-05-31 - Attorney Revoked And/Or Appointed
2005-05-31 - TEAS Revoke/Appoint Attorney Received
2005-01-14 - Law Office Publication Review Completed
2005-01-14 - Assigned To LIE
2005-01-11 - Examiner's amendment mailed
2005-01-11 - Approved for Pub - Principal Register (Initial exam)
2005-01-11 - Examiners Amendment - Written
2005-01-07 - Assigned To Examiner
2004-06-18 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas I. Rozsa

Correspondent

Thomas I. Rozsa

Rozsa Law Group LC

18757 Burbank Boulevard, Suite 220

Tarzana CA 91356-3346

Phone Number: 818-783-0990

Fax Number: 818-783-0992

Deposition of William R. Weissman – Deposition Exhibit No. 9

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AQUAPIK



United States Patent and Trademark Office

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Word Mark AQUAPIK
Goods and Services IC 010. US 026 039 044. G & S: ORAL IRRIGATORS
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 76594979
Filing Date June 1, 2004
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition May 10, 2005
Owner (APPLICANT) OMNISOURCE DDS, LLC LIMITED LIABILITY COMPANY CALIFORNIA
10902 RIVERSIDE DR. NORTH HOLLYWOOD CALIFORNIA 91601
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Thomas I. Rozsa
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

Opposer EX. NO. 9
PAGES 2177108
M. ELLERSICK, CSR 10531 WIT: *weissman*

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Serial Number: 76594979 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

AQUAPIK

(words only): AQUAPIK

Standard Character claim: Yes

Current Status: A request for the fourth extension of time to file a statement of use has been granted.

Date of Status: 2007-12-19

Filing Date: 2004-06-01

The Notice of Allowance Date is: 2005-11-29

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 116

**Attorney Assigned:
BRACEY KAREN E**

Current Location: 700 -Intent To Use Section

Date In Location: 2007-12-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. OMNISOURCE DDS, LLC

Address:

OMNISOURCE DDS, LLC
10902 RIVERSIDE DR.
NORTH HOLLYWOOD, CA 91601
United States
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 010
Class Status: Active
ORAL IRRIGATORS
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-19 - Extension 4 granted

2007-11-27 - Extension 4 filed

2007-11-27 - PAPER RECEIVED

2007-08-24 - Extension 3 granted

2007-05-23 - Extension 3 filed

2007-07-27 - TEAS Change Of Correspondence Received

2007-05-23 - PAPER RECEIVED

2006-12-23 - Extension 2 granted

2006-11-06 - Extension 2 filed

2006-11-06 - PAPER RECEIVED

2006-10-25 - Automatic Update Of Assignment Of Ownership
2006-10-24 - Review Of Correspondence Complete
2006-08-18 - PAPER RECEIVED
2006-06-01 - Attorney Revoked And/Or Appointed
2006-06-01 - TEAS Revoke/Appoint Attorney Received
2006-05-15 - Extension 1 granted
2006-05-15 - Extension 1 filed
2006-05-15 - TEAS Extension Received
2005-11-29 - Notice of allowance - mailed
2005-10-08 - Extension Of Time To Oppose Process - Terminated
2005-06-15 - Extension Of Time To Oppose Received
2005-05-31 - Attorney Revoked And/Or Appointed
2005-05-31 - TEAS Revoke/Appoint Attorney Received
2005-05-23 - PAPER RECEIVED
2005-05-10 - Published for opposition
2005-04-20 - Notice of publication
2005-01-25 - Law Office Publication Review Completed
2005-01-24 - Assigned To LIE
2005-01-14 - Approved for Pub - Principal Register (Initial exam)
2005-01-04 - Examiner's Amendment Entered
2005-01-04 - Examiner's amendment mailed
2005-01-04 - Examiners Amendment - Written
2005-01-04 - Assigned To Examiner
2004-06-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas I. Rozsa

Correspondent

Thomas I. Rozsa

Rozsa Law Group LC

18757 Burbank Boulevard, Suite 220

Tarzana CA 91356-3346

Phone Number: 818-783-0990

Fax Number: 818-783-0992

Deposition of William R. Weissman – Deposition Exhibit No. 10

Excerpts from Applicant's Supplemental Responses to Opposer's First
Set of Interrogatories to Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION,)

Opposer,)

vs.)

OMNISOURCE DDS, LLC,)

Applicant.)

IN THE MATTER OF:

Opposition No. 91178539

**APPLICANT'S SUPPLEMENTAL RESPONSES TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT**

I. GENERAL OBJECTIONS

Applicant hereby incorporates by reference, as if fully stated herein, the Preliminary Statement and General Objections in Applicant's Objections and Responses to Opposer's First Set of Interrogatories.

II. INTERROGATORIES

Opposer EX. NO. 10
PAGES 2, 127, 128
M. ELLERSICK, CSR 10531 WIT: Wissner

INTEROGATORY NO. 10.

State all facts and identify all documents supporting Applicant's assertion in its Application Serial No. 78/893,144 that it had, as of the application filing date, a bona fide intention to use Applicant's Mark in commerce In connection with the goods identified in the application.

SUPPLEMENTAL ANSWER:

In addition to the general objections above, Applicant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, vague and containing multiple questions.

Notwithstanding and without waiving these objections, Applicant provides the following response:

Applicant chose the mark AQUAJETT because it was, to its knowledge unique, and because the name sounded good; and because the name was different in sound and meaning from all other oral care marks of which Applicant had knowledge.

See documents produced by Applicant. Applicant's bona fide intent to use the AQUAJETT mark in commerce is evidence in Applicant's patent filings and other documents indicating an intention to manufacture dental instruments.

Dated: February 25, 2008

OMNISOURCE D.D.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

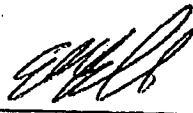
CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT was deposited with postage sufficient for first class mail on February 25, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

and via email to counsel at erik.bertin@dechert.com.

By:



Erik M. Pelton, Esq.

Declaration of Erik Bertin – Exhibit B

A true and correct copy of relevant portions of Applicant's Responses to Opposer's First Set of Interrogatories to Applicant.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION,)	
)	
Opposer,)	IN THE MATTER OF:
)	
vs.)	Opposition No. 91178539
)	
OMNISOURCE DDS, LLC,)	
)	
Applicant.)	

**APPLICANT'S OBJECTIONS AND RESPONSES TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT**

I. PRELIMINARY STATEMENT

Applicant is presently pursuing its investigation and analysis of the facts and law relating to this case and has not yet completed preparation for the Opposition proceedings. The responses set forth herein are given without prejudice to Applicant's right to develop any theory or produce or use any subsequently discovered or previously unknown facts, documents or evidence, or to add to, modify or otherwise change or amend the responses herein. These responses are based upon writings and information currently available to Applicant. The information set forth is true and correct to the best knowledge of Applicant as of this date, and is subject to correction for inadvertent errors, mistakes or omissions.

II. GENERAL OBJECTIONS

Applicant objects to each Interrogatory on the following grounds:

1. Applicant objects to each and every Interrogatory to the extent that it seeks information that is protected from discovery by the attorney/client privilege, the attorney work product doctrine, or any other claim of privilege.
2. Applicant objects to each and every Interrogatory on the grounds of vagueness, ambiguity, undue burden, uncertainty, and overbreadth in that, among other things, each and

INTEROGATORY NO. 2.

Identify the person(s) most knowledgeable about the selection, adoption and application for registration of Applicant's Mark and identify all documents which are relevant to Applicant's selection, adoption and application for registration of Applicant's Mark.

ANSWER:

William Weissman, DDS.

INTEROGATORY NO. 3.

Identify the person(s) most knowledgeable about Applicant's plans to use Applicant's Mark in advertising and promotion thereof.

ANSWER:

See response to Interrogatory No. 2.

Dated: November 8, 2007

OMNISOURCE D.B.S., LLC

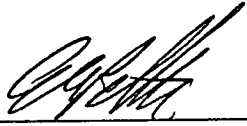
By: 
Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT was deposited with postage sufficient for first class mail on November 8, 2007, to Counsel for Opposer at the following address:

Leigh Ann Lindquist
Sughrue Mion, PLLC
2100 Pennsylvania Ave, NW
Washington, DC 20037

By: 
Erik M. Pelton, Esq.

Declaration of Erik Bertin – Exhibit C

A true and correct copy of relevant portions of Applicant's Responses to Opposer's First Set of Requests for Production of Documents and Things.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION,)	
)	
Opposer,)	IN THE MATTER OF:
)	
vs.)	Opposition No. 91178539
)	
OMNISOURCE DDS, LLC,)	
)	
Applicant.)	

**APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

I. PRELIMINARY STATEMENT

Applicant is presently pursuing its investigation and analysis of the facts and law relating to this case and has not yet completed preparation for the Opposition proceedings. The responses set forth herein are given without prejudice to Applicant's right to develop any theory or produce or use any subsequently discovered or previously unknown facts, documents or evidence, or to add to, modify or otherwise change or amend the responses herein. These responses are based upon writings and information currently available to Applicant. The information set forth is true and correct to the best knowledge of Applicant as of this date, and is subject to correction for inadvertent errors, mistakes or omissions.

II. GENERAL OBJECTIONS

Applicant objects to each Request on the following grounds:

1. Applicant objects each and every Request, including the definitions and instructions, to the extent the requests (a) contain requests that exceed the scope and requirements of the applicable federal and local rules and (b) purport to require discovery not

3. All documents and things supporting Applicant's claim of a bona fide intent to use the mark AQUAJETT in commerce in connection with the goods described in Applicant's application.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, requesting materials which are irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None. For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001.

6. All documents and things relating to Applicant's intended and/or actual advertising and promotion of its goods under its AQUAJETT mark.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT.

For more information about Applicant's goods, see USPTO application Serial No.

78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of oral care goods.

7. All documents and things evidencing total sales of Applicant's goods offered under the AQUAJETT Mark.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, and irrelevant.

Notwithstanding and without waiving these objections, Applicant responds:

None.

8. Documents and things sufficient to identify Applicant's advertising and promotional expenditures for goods to be offered and/or offered under the AQUAJETT mark.

Response:

Opposition No. 91178539:

Response to Opposer's First Requests for Production of Documents and Things

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, and irrelevant.

Notwithstanding and without waiving these objections, Applicant responds:

None.

Dated: November 8, 2007

OMNISOURCE D.D.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC

PO Box 100637

Arlington, Virginia 22210

TEL: (703) 525-8009

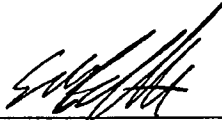
FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Applicant's Response to Opposer's First Requests for Production of Documents and Things was deposited as First Class mail with the United States Postal Service on November 8, 2007, to counsel for Opposer at:

Leigh Ann Lindquist
Sughrue Mion, PLLC
2100 Pennsylvania Ave, NW
Washington, DC 20037

By:



Erik M. Pelton, Esq.

Declaration of Erik Bertin – Exhibit D

A true and correct copy of relevant portions of Applicant's Supplemental Responses to Opposer's First Set of Interrogatories to Applicant.

RECEIVED

MAR 4 - 2008

IN THE MATTER OF:

IN THE MATTER OF **G.A.G.**

Opposition No. 91178539

Applicant.

G.A.G.

Opposition No. 91178539

Opposition No. 91178539

Opposition No. 91178539

Opposition No. 91178539

Opposition No. 91178539

Opposition No. 91178539

Opposition No. 91178539

Opposition No. 91178539

Opposition No. 91178539

INTEROGATORY NO. 10.

State all facts and identify all documents supporting Applicant's assertion in its Application Serial No. 78/893,144 that it had, as of the application filing date, a bona fide intention to use Applicant's Mark in commerce In connection with the goods identified in the application.

SUPPLEMENTAL ANSWER:

In addition to the general objections above, Applicant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, vague and containing multiple questions.

Notwithstanding and without waiving these objections, Applicant provides the following response:

Applicant chose the mark AQUAJETT because it was, to its knowledge unique, and because the name sounded good; and because the name was different in sound and meaning from all other oral care marks of which Applicant had knowledge.

See documents produced by Applicant. Applicant's bona fide intent to use the AQUAJETT mark in commerce is evidence in Applicant's patent filings and other documents indicating an intention to manufacture dental instruments.

Dated: February 25, 2008

OMNISOURCE D.D.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

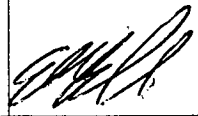
CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT was deposited with postage sufficient for first class mail on February 25, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

and via email to counsel at erik.bertin@dechert.com.

By:



Erik M. Pelton, Esq.

Declaration of Erik Bertin – Exhibit E

A true and correct copy of relevant portions of Applicant's Supplemental Responses to Opposer's First Set of Requests for Production of Documents and Things.

6-29
E16
90

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD** **RECEIVED**

SMITHKLINE BEECHAM CORPORATION,)	MAR 4 - 2008
)	
Opposer,)	IN THE MATTER OF:
)	G.A.G.
vs.)	Opposition No. 91178539
)	
OMNISOURCE DDS, LLC,)	
)	
Applicant.)	

**APPLICANT'S SUPPLEMENTAL RESPONSES TO OPPOSER'S FIRST
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

I. GENERAL OBJECTIONS

Applicant hereby incorporates by reference, as if fully stated herein, the Preliminary Statement and General Objections in Applicant's Objections and Responses to Opposer's Requests for Production of Documents and Things.

II. REQUESTS FOR PRODUCTION

4. All documents and things relating to Applicant's proposed channels of trade, and/or actual channels of trade, to promote, offer and sell its goods under the mark AQUAJETT.

Supplemental Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT. For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of

oral care goods. Other than the documents previously produced and the patents referenced herein, Applicant is not in possession of any responsive documents regarding the intended channels of trade.

5. All documents and things relating to Applicant's intended classes of customers and/or actual classes of customers to which the goods under Applicant's Mark are offered and/or intended to be offered.

Supplemental Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT. For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of oral care goods. Other than the documents previously produced and the patents referenced herein, Applicant is not in possession of any responsive documents regarding the intended classes of customers.

11. All documents and things which evidence the manner in which Applicant intends to use, and/or uses, the AQUAJETT mark in relation to the goods identified in Application Serial No. 78/893,144 its goods.

Supplemental Response:

Opposition No. 91178539:

Supplemental Response to Opposer's First Requests for Production of Documents and Thingsp. 2

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT. For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of oral care goods. Other than the documents previously produced and the patents referenced herein, Applicant is not in possession of any responsive documents regarding the manner in which Applicant intends to use the mark.

12. All agreements, and documents relating thereto, which relate in any way to goods sold or to be sold under Applicant's Mark, including but not limited to trademark agreements or licenses.

Supplemental Response:

In addition to the general objections above, Applicant objects to this Request as irrelevant.

Notwithstanding and without waiving these objections, Applicant responds:

Applicant is not in possession of any responsive documents.

Dated: February 25, 2008

OMNISOURCE D.D.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

Opposition No. 91178539:

Supplemental Response to Opposer's First Requests for Production of Documents and Thingsp. 4

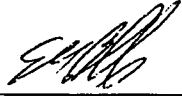
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Applicant's Supplemental Response to Opposer's First Requests for Production of Documents and Things was deposited as First Class mail with the United States Postal Service on February 25, 2008, to counsel for Opposer at:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

and via email to counsel at erik.bertin@dechert.com.

By: _____


Erik M. Pelton, Esq.

Opposition No. 91178539:

Supplemental Response to Opposer's First Requests for Production of Documents and Thingsp. 5

Declaration of Erik Bertin – Exhibit F

A true and correct copy of relevant portions of Applicant's Responses to Opposer's
Second Set of Interrogatories to Applicant.

GAG
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SC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORPORATION,)

Opposer,)

vs.)

OMNISOURCE DDS, LLC,)

Applicant.)

IN THE MATTER OF:

Opposition No. 91178539

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MAR 17 2008

G.A.G.

APPLICANT'S RESPONSES TO
OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT

I. GENERAL OBJECTIONS

Applicant hereby incorporates by reference, as if fully stated herein, the Preliminary Statement and General Objections in Applicant's Objections and Responses to Opposer's First Set of Interrogatories.

Interrogatory No.7.

Identify each product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using Applicant's AQUAJETT Mark.

RESPONSE:

Oral irrigators.

Interrogatory No. 17.

Identify all forms of media where Applicant intends to advertise, market, or promote the products that are described in Application Serial No. 78/893,144.

RESPONSE:

In addition to the general objections above, Applicant objects to this interrogatory as overly broad, unduly burdensome, vague, irrelevant, duplicative, containing multiple questions, and speculative. Notwithstanding and without waiving these objections, Applicant provides the following response: Applicant intends to market and sell products using the AQUAJETT Mark to users of oral care goods. Applicant has not yet identified the specific details of how and where it will advertise.

Interrogatory No. 18.

Provide a list of all trade shows, conferences, and other public meetings where Applicant intends to advertise, market, or promote the products that are described in Application Serial No. 78/893,144.

RESPONSE:

In addition to the general objections above, Applicant objects to this interrogatory as overly broad, unduly burdensome, vague, irrelevant, duplicative, containing multiple questions, and speculative. Notwithstanding and without waiving these objections, Applicant provides the following response: Applicant intends to market and sell products using the AQUAJETT Mark to users of oral care goods. Applicant has not yet identified the specific details of how and where it will advertise.

Interrogatory No. 19.

If Applicant has licensed Applicant's AQUAJETT Mark to another person for use in the United States on or in connection with that person's goods or services, identify (a) each such person, (b) the products or services that have been licensed for use under Applicant's AQUAJETT Mark, and (c) the time period that each license was in effect or will be in effect.

RESPONSE:

Not applicable.

Interrogatory No. 20.


If Applicant or any other person has licensed any product or technology described in U.S. Patent Nos. 5,564,629, 5,511,693 or 5,556,001, identify (a) each such person, (b) the products or technology that have been licensed for use in the United States, and (c) the time period that each license was in effect or will be in effect.

RESPONSE:

Not applicable.

Dated: March 11, 2008

OMNISOURCE D.D.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S RESPONSE TO OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT was deposited with postage sufficient for first class mail on March 11, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

By: _____


Erik M. Pelton, Esq.

Declaration of Erik Bertin – Exhibit G

A true and correct copy of relevant portions of Applicant's Responses to Opposer's
Second Request for Production of Documents and Things.

GAB
106
106
106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORPORATION,)
)
Opposer,)
)
vs.)
)
OMNISOURCE DDS, LLC,)
)
Applicant.)

IN THE MATTER OF:

Opposition No. 91178539

RECEIVED
MAR 17 2008

GAB

APPLICANT'S RESPONSES TO OPPOSER'S SECOND REQUEST FOR
PRODUCTION OF DOCUMENTS AND THINGS

I. GENERAL OBJECTIONS

Applicant hereby incorporates by reference, as if fully stated herein, the Preliminary Statement and General Objections in Applicant's Objections and Responses to Opposer's First Request for Production of Documents and Things.

Request No.2. All documents that refer or relate to Applicant's business or marketing plans for each product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using Applicant's AQUAJETT Mark.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

None.

Request No.3. All documents that refer or relate to any of Applicant's business or marketing plans for any product or technology described in U.S. Patent Nos. 5,564,629, 5,511,693 or 5,556,001.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No.4. A representative sampling of labels, tags, and other packaging materials for any product that Applicant intends to offer, sell, or distribute in the United States showing, bearing, or displaying Applicant's AQUAJETT Mark.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad,

burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No.5. A representative sampling of brochures, fliers, displays, advertising, and other marketing, and promotional materials (including advertising, marketing, and promotional materials displayed, published, or transmitted via the internet) that Applicant has used or intends to use that depict and/or describe any product that Applicant intends to offer, sell, or distribute in the United States using Applicant's AQUAJETT Mark.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No.6. Documents sufficient to identify any trade shows where Applicant has advertised, marketed or promoted or intends to advertise, market, or promote any product under Applicant's AQUAJETT Mark.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

See documents produced herewith.

Request No.7. A representative sampling of brochures, fliers, hand-outs and other advertising, marketing or promotional materials showing, bearing or displaying Applicant's AQUAJETT Mark that Applicant has distributed or intends to distribute at any trade show in the United States.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No.9. Marketing plans, media plans, or other marketing or sales documents sufficient to identify the periodicals, newspapers, and other publications, the websites, the television and radio networks and stations, the cable television networks, and the other media outlets where

Applicant intends to advertise, market, or promote any product that it intends to offer, sell, or distribute in the United States under Applicant's AQUAJETT Mark.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No. 10. A representative sampling of newspaper, magazine, or journal articles or other media coverage concerning any products that Applicant intends to offer, sell, or distribute in the United States under Applicant's AQUAJETT Mark.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No. 11. Documents sufficient to show the prices that Applicant intends to quote to prospective customers for each product that Applicant intends to offer, sell, or distribute in the United States under Applicant's AQUAJETT Mark.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, and requesting materials which are irrelevant. Notwithstanding and

without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No. 12. Copies of any assignments, licenses or other agreements between Applicant and any third party relating to the acquisition of any rights that have been granted under U.S. Patent Nos. 5,564,629, 5,511,693, or 5,556,001.

RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, requesting materials which are irrelevant, and requesting materials which are privileged and/or attorney-work product. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Request No. 13. All documents referring or relating to any product or technology described in U.S. Patent Nos. 5,564,629, 5,511,693, or 5,556,001.

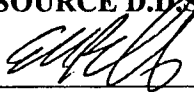
RESPONSE:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, speculative, requesting materials which are irrelevant, and requesting materials which are privileged and/or attorney-work product. Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet used its mark in commerce.

Dated: March 11, 2008

OMNISOURCE D.D.S., LLC

By: 
Erik M. Pelton, Esq.

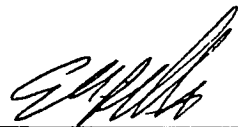
Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S RESPONSE TO OPPOSER'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS was deposited with postage sufficient for first class mail on March 11, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

By: _____


Erik M. Pelton, Esq.

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000022892 Invoice No : 30021819 Invoice Date : 4/25/2003 PO # :

MEETING INFORMATION

4/22/2003 to 4/28/2003
Spring 2003 Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG.FEES	:	\$0.00
*EVENT FEES	:	\$0.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$0.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
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Please detach the lower portion and return it with your payment. Thank you.

Order No	: 3000022892	Invoice No	: 30021819	Balance Due	:	\$0.00
Customer No	: 00018552	William R. Weissman, DDS		Payment	:	_____
				<input type="checkbox"/> Check <input type="checkbox"/> Credit Card		

Visa,Master,AMEX

CC # _____	Exp. Date _____	CC Holder Signature _____
------------	-----------------	---------------------------

Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P-01

MAR-10-2008 06:44 AM

Opposition No. 91178539

OMNISOURCE 000027

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000016601 Invoice No : 30045053 Invoice Date : 3/2/2008 PO # :

MEETING INFORMATION

4/12/2004 to 4/19/2004
Spring 2004 Scientific Session

Anahcim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG.FEES	:	\$0.00
*EVENT FEES	:	\$40.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$40.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

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013	California Law Update: Your Legal Lifeli		4/16/2004 11:00 AM	4/16/2004 01:00 PM	Active	\$0.00
023	California Infection Control Requirement		4/16/2004 09:30 AM	4/16/2004 10:30 AM	Active	\$0.00
AIDBDG	Additional Badge		4/15/2004 08:00 AM	4/18/2004 05:00 PM	Active	\$40.00

Please detach the lower portion and return it with your payment. Thank you.

Order No : 3000046604	Invoice No : 30045053	Balance Due : \$0.00
Customer No : 00018552	William R. Weissman, DDS	Payment : _____

____ Check ____ Credit Card

Visa,Master,AMEX

CC # _____ Exp. Date _____ CC Holder Signature _____

Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 02

MAR-10-2008 06:44 AM

Opposition No. 91178539

OMNISOURCE 000028

CALIFORNIA DENTAL ASSOCIATION
1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000082978 Invoice No : 30081006 Invoice Date : 4/18/2005 PO # :

MEETING INFORMATION

5/19/2005 to 5/20/2005
2005 Spring Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG FEES	:	\$0.00
*EVENT FEES	:	\$30.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$30.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

*EVENT INFORMATION

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
ADDBDG	Additional Badge		5/12/2005 08:00 AM	5/15/2005 02:00 PM	Active	\$30.00

Please detach the lower portion and return it with your payment. Thank you.

Order No	: 3000082978	Invoice No	: 30081006	Balance Due	: \$0.00
Customer No	: 00018552	William R. Weissman, DDS		Payment	:
				<input type="checkbox"/> Check <input type="checkbox"/> Credit Card	

Visa,Master,AMEX

CC # _____ Exp. Date _____ CC Holder Signature _____

Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 03

MAR-10-2008 06:45 AM

Opposition No. 91178539

OMNISOURCE 000029

CALIFORNIA DENTAL ASSOCIATION
1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000117586 Invoice No : 30113105 Invoice Date : 4/14/2006 PO# :

MEETING INFORMATION

4/27/2006 to 4/30/2006
2006 Spring Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG. FEES	:	\$0.00
*EVENT FEES	:	\$0.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$0.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

*EVENT INFORMATION

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
------	-------------	------------	-----------------	---------------	--------	------

Please detach the lower portion and return it with your payment. Thank you.

Order No	:	3000117586	Invoice No	:	30113105	Balance Due	:	\$0.00
Customer No	:	00018552	William R. Weissman, DDS	Payment	:			

☐ Check ☐ Credit Card

Visa,Master,AMEX

CC # _____ Exp. Date _____ CC Holder Signature _____

Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 04

MAR-10-2008 06:46 AM

Opposition No. 91178539

OMNISOURCE 000030

CALIFORNIA DENTAL ASSOCIATION
1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/1/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00010552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000146952 Invoice No : 30141598 Invoice Date : 3/26/2007 PO # :

MEETING INFORMATION

FEES/BALANCE DUE

5/8/2007 to 5/12/2007
2007 Spring Scientific Session

REG.FEES : \$0.00
*EVENT FEES : \$0.00
PACKAGE FEES : \$0.00
PREPAYMENTS : \$0.00
REFUNDS/ADJ. : \$0.00
BALANCE : \$0.00

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

*EVENT INFORMATION

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
------	-------------	------------	-----------------	---------------	--------	------

Please detach the lower portion and return it with your payment. Thank you.

Order No	: 3000146952	Invoice No	: 30141598	Balance Due	: \$0.00
Customer No	: 00018552	William R. Weissman, DDS		Payment	:

☐ Check ☐ Credit Card

Visa,Master,AMEX

CC # _____ Exp. Date _____ CC Holder Signature _____

Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95833-4749

P. 05

MAR-18-2008 06:47 AM

Opposition No. 91178539

OMNISOURCE 000031

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000164288 Invoice No : 30157335 Invoice Date : 2/29/2008 PO # :

MEETING INFORMATION

4/28/2008 to 5/5/2008
2008 Spring Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG FEES	:	\$0.00
*EVENT FEES	:	\$0.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$0.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
------	-------------	------------	-----------------	---------------	--------	------

Please detach the lower portion and return it with your payment. Thank you.

Order No : 3000164288	Invoice No : 30157335	Balance Due : \$0.00
Customer No : 00018552	William R. Weissman, DDS	Payment : _____

_____ Check _____ Credit Card

Visa,Master,AMEX

CC # _____	Exp. Date _____	CC Holder Signature _____
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Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 06

MAR-10-2008 06:47 AM

Opposition No. 91178539

OMNISOURCE 000032

Declaration of Erik Bertin – Exhibit H

A true and correct copy of relevant portions of Opposer's Requests for Admissions to Applicant.

REQUESTS FOR ADMISSIONS

Request No. 1. Admit that prior to the filing date of Application Serial No. 78/893,144, William Weissman was aware that Opposer was using the Mark AQUAFRESH in the United States in connection with toothpastes.

Request No. 5. Admit that prior to the filing date of Application Serial No. 78/893,144, James Weissman was aware that Opposer was using the Mark AQUAFRESH in the United States in connection with toothpastes.

Request No. 17. Admit that an oral irrigator is an oral hygiene device for cleaning teeth.

Request No. 18. Admit that an oral irrigator is an oral hygiene device for cleaning spaces between teeth.

Request No. 19. Admit that an oral irrigator is an oral hygiene device for cleaning gums.

Request No. 29. Admit that Applicant intends to sell its AQUAJETT products in retail stores.

Request No. 30. Admit that Applicant intends to sell its AQUAJETT products through online retail stores.

Request No. 31. Admit that Applicant intends to sell its AQUAJETT products in discount retail stores.

Request No. 32. Admit that Applicant intends to sell its AQUAJETT products in drug stores.

Request No. 33. Admit that Applicant intends to sell its AQUAJETT products in pharmacies.

Request No. 34. Admit that Applicant intends to sell its AQUAJETT products in supermarkets and grocery stores.

Request No. 37. Admit that Applicant intends to sell its AQUAJETT products in department stores.

Request No. 38. Admit that Applicant intends to sell its AQUAJETT products in membership warehouse club stores, such as Costco or Sam's Club.

Request No. 39. Admit that Applicant intends to sell its AQUAJETT products in specialty stores that sell bath products, such as Bed, Bath and Beyond or Linens 'N Things.

Request No. 40. Admit that Applicant intends to sell its AQUAJETT products through dental health clinics.

Request No. 45. Admit that Applicant intends to offer its AQUAJETT products to ordinary consumers.

Request No. 46. Admit that Applicant intends to offer its AQUAJETT products to consumers that wear braces on their teeth.

Request No. 47. Admit that Applicant intends to offer its AQUAJETT products to dentists for use in their practice of dental medicine.

Request No. 48. Admit that Applicant intends to offer its AQUAJETT products to dental hygienists for use in their practice of dental medicine.

Request No. 49. Admit that Applicant intends to offer its AQUAJETT products to orthodontists for use in their practice of orthodontia.

Request No. 50. Admit that Applicant intends to offer its AQUAJETT products to endodontists for use in their practice of endodontia.

Request No. 71. Admit that Applicant intends to market its AQUAJETT products in general circulation magazines.

Request No. 72. Admit that Applicant intends to market its AQUAJETT products in general circulation newspapers.

Request No. 73. Admit that Applicant intends to market its AQUAJETT products in television commercials.

Request No. 74. Admit that Applicant intends to market its AQUAJETT products in radio commercials.

Request No. 75. Admit that Applicant intends to market its AQUAJETT products through point-of-sale advertisements.

Request No. 76. Admit that Applicant intends to market its AQUAJETT products through internet advertising.

Request No. 86. Admit that Applicant has never used Applicant's AQUAJETT Mark on or in connection with oral irrigators.

Request No. 87. Admit that Applicant has never used Applicant's AQUAJETT Mark on labels, packaging, or containers for oral irrigators offered for sale in the United States.

Request No. 90. Admit that Applicant has never licensed Applicant's AQUAJETT Mark to third parties for use in the United States on or in connection with oral irrigators.

Request No. 91. Admit that Applicant does not have any current inventory of oral irrigators.

Request No. 94. Admit that Applicant has never had any inventory of oral irrigators bearing Applicant's AQUAJETT Mark on the labels, packaging or containers for such products.

Request No. 97. Admit that Applicant has never had any inventory of advertising, marketing, or promotional materials for the oral irrigators identified in Application Serial No. 78/893,144.

Request No. 109. Admit that Applicant has not used the mark OMNIJET on or in connection with oral irrigators.

Request No. 110. Admit that Applicant does not intend to use the mark OMNIJET on or in connection with oral irrigators.

Request No. 111. Admit that Applicant has not used the mark OMNAPIK on or in connection with oral irrigators.

Request No. 113. Admit that Applicant has not used the mark AQUAPIK on or in connection with oral irrigators.

Request No. 115. Admit that Applicant has not used the mark SHOWERJET on or in connection with oral irrigators.

Request No. 141. Admit that Applicant has not used the mark OMNIJET on or in connection with the product described in U.S. Patent No. 5,564,629.

Request No. 143. Admit that Applicant has not used the mark OMNIJET on or in connection with the product described in U.S. Patent No. 5,511,693.

Request No. 145. Admit that Applicant has not used the mark OMNIJET on or in connection with the product described in U.S. Patent No. 5,556,001.

Request No. 147. Admit that Applicant has not used the mark OMNIPK on or in connection with the product described in U.S. Patent No. 5,564,629.

Request No. 149. Admit that Applicant has not used the mark OMNIPK on or in connection with the product described in U.S. Patent No. 5,511,693.

Request No. 151. Admit that Applicant has not used the mark OMNAPIK on or in connection with the product described in U.S. Patent No. 5,556,001.

Request No. 153. Admit that Applicant has not used the mark AQUAPIK on or in connection with the product described in U.S. Patent No. 5,564,629.

Request No. 155. Admit that Applicant has not used the mark AQUAPIK on or in connection with the product described in U.S. Patent No. 5,511,693.

Request No. 157. Admit that Applicant has not used the mark AQUAPIK on or in connection with the product described in U.S. Patent No. 5,556,001.

Request No. 159. Admit that Applicant has not used the mark SHOWERJET on or in connection with the product described in U.S. Patent No. 5,564,629.

Request No. 161. Admit that Applicant has not used the mark SHOWERJET on or in connection with the product described in U.S. Patent No. 5,511,693.

Request No. 163. Admit that Applicant has not used the mark SHOWERJET on or in connection with the product described in U.S. Patent No. 5,556,001.


Request No. 165. Admit that William R. Weissman is the owner of U.S. Patent No. 5,564,629.

Request No. 166. Admit that William R. Weissman is the owner of U.S. Patent No. 5,511,693.

Request No. 171. Admit that Applicant has not licensed U.S. Patent No. 5,564,629 for use in the United States.

Request No. 172. Admit that Applicant has not licensed U.S. Patent No. 5,511,693 for use in the United States.

Request No. 173. Admit that Applicant has not licensed U.S. Patent No. 5,556,001 for use in the United States.



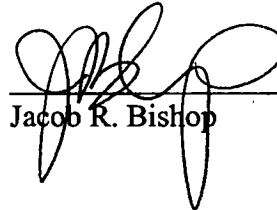
Glenn A. Gundersen
Eric Bertin
Jacob R. Bishop
DECHERT LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
(215) 994-2183

Attorneys for Opposer,
SMITHKLINE BEECHAM
CORPORATION

Dated: February 11, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Requests for Admission to Applicant is being deposited with the U.S. Postal Service, postage prepaid, addressed to Erik M. Pelton, Erik M. Pelton & Associates, PLLC, P.O. Box 100637, Arlington, Virginia 22210, on February 11, 2008.



Jacob R. Bishop

Declaration of Erik Bertin – Exhibit I

A true and correct copy of relevant portions of Applicant's Responses to Opposer's
Requests for Admissions.

646
ESB
SC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORPORATION,

Opposer,

vs.

OMNISOURCE DDS, LLC,

Applicant.

IN THE MATTER OF:

Opposition No. 91178539

RECEIVED

MAR 17 2008

G.A.G.

**APPLICANT'S RESPONSES TO
OPPOSER'S REQUESTS FOR ADMISSIONS**

I. PRELIMINARY STATEMENT

Applicant is presently pursuing its investigation and analysis of the facts and law relating to this case and has not yet completed preparation for the Opposition proceedings. The responses set forth herein are given without prejudice to Applicant's right to develop any theory or produce or use any subsequently discovered or previously unknown facts, documents or evidence, or to add to, modify or otherwise change or amend the responses herein. These responses are based upon writings and information currently available to Applicant. The information set forth is true and correct to the best knowledge of Applicant as of this date, and is subject to correction for inadvertent errors, mistakes or omissions.

II. GENERAL OBJECTIONS

Applicant makes the following general objections, whether or not separately set forth in response to each and every instruction, definition and request for admission:

1. Applicant objects to the introductory definitions to the Requests for Admission to the extent that such definitions purport to enlarge, expand, or alter in any way the plain meaning and scope of what is authorized by the Federal Rules of Civil Procedure on the ground that such enlargement, expansion, or alteration renders such request vague, ambiguous, unintelligible,

7. Applicant objects to each request for admission to the extent that it seeks information that is publicly available on the grounds that such requests are overly broad, unduly burdensome, and oppressive.

8. Applicant objects to each request for admission to the extent that it purports to impose upon Applicant the burden of furnishing information that is not available to Applicant or that is equally or more readily available to Opposer.

Without waiving the foregoing objections and incorporating said objections into each specific response below, Applicant responds to Opposer's Requests for Admission as follows:

III. REQUESTS FOR ADMISSION

1. Admitted.

5. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

29. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

30. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant

must deny.

31. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

32. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

33. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

34. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

37. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

38. Applicant objects to this Request as requesting conjecture or speculation and not

grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

39. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

40. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

45. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

46. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

47. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

48. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

49. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

50. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

71. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

72. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

73. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

74. Applicant objects to this Request as requesting conjecture or speculation and not

grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

75. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

76. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.

86. Admitted.

87. Admitted.

90. Admitted.

91. Admitted.

94. Admitted.

97. Admitted.

109. Admitted.

111. Admitted.

113. Admitted.

115. Admitted.

141. Admitted.

143. Admitted.

145. Admitted.

147. Admitted.

149. Admitted.

151. Admitted.

153. Admitted.

155. Admitted.

157. Admitted.

159. Admitted.

161. Admitted.

163. Admitted.

165. Admitted.

166. Admitted.

171. Admitted.


172. Admitted.

173. Admitted.

174. Admitted.

Dated: March 11, 2008

OMNISOURCE P.D.S., LLC

By: 
Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S RESPONSE TO OPPOSER'S REQUESTS FOR ADMISSIONS was deposited with postage sufficient for first class mail on March __//, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

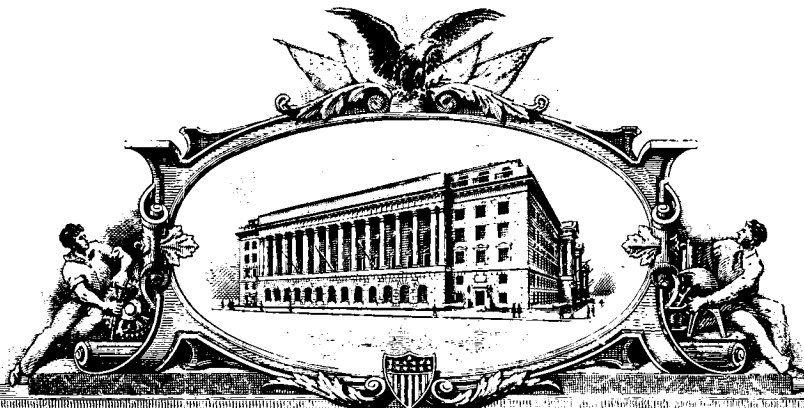
By:



Erik M. Pelton, Esq.

Declaration of Erik Bertin – Exhibit J

A certified status and title copy of Opposer's valid and subsisting U.S. Trademark Registration for the mark AQUAFRESH for "toothpaste" (Reg. No. 1,006,821).



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

April 01, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,006,821 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *March 18, 1975*
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *March 18, 2005*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

SMITHKLINE BEECHAM CORPORATION
A PENNSYLVANIA CORPORATION

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office




P. SWAIN

Certifying Officer

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,006,821

Registered Mar. 18, 1975

Renewal Term Begins Mar. 18, 1995

**TRADEMARK
PRINCIPAL REGISTER**

AQUAFRESH

SMITHKLINE BEECHAM CORPORATION
(PENNSYLVANIA CORPORATION)

ONE FRANKLIN PLAZA
P.O. BOX 7929

PHILADELPHIA, PA 19101, BY ASSIGN-
MENT, MERGER AND MERGER
WITH BEECHAM INC. (NEW JERSEY
CORPORATION) CLIFFSIDE, NJ

OWNER OF U.S. REG. NOS. 881,389,
975,620 AND OTHERS.

FOR: TOOTHPASTE, IN CLASS 3 (U.S.
CL. 51).

FIRST USE 8-25-1972; IN COMMERCE
8-25-1972.

SER. NO. 73-025,592, FILED 6-28-1974.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on July 11, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent Office

Reg. No. 1,006,821
Registered Mar. 18, 1975

TRADEMARK
Principal Register

AQUAFRESH

Beecham Inc. (New Jersey corporation)
65 Industrial S.
Clifton, N.J. 07012

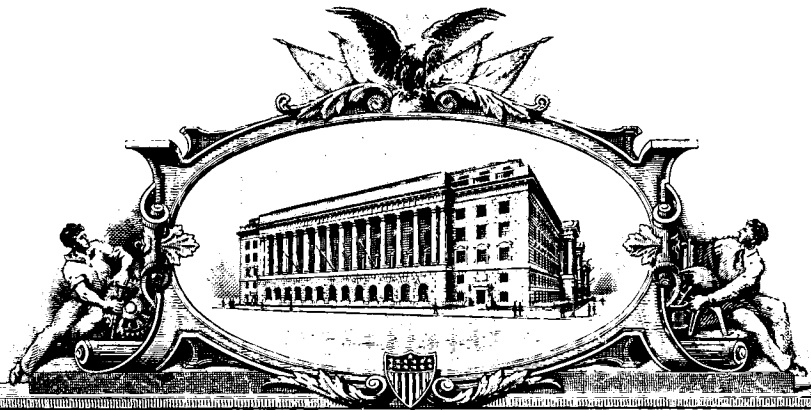
For: TOOTHPASTE, in CLASS 3 (U.S. CL. 51).
First use Aug. 25, 1972; in commerce Aug. 25, 1972.
Owner of Reg. Nos. 881,389, 975,620, and others.

Ser. No. 25,592, filed June 28, 1974.

Declaration of Erik Bertin – Exhibit K

A certified status and title copy of Opposer's valid and subsisting U.S. Trademark Registration for the mark AQUA FLOSS for a "water jet oral hygiene device for cleaning and irrigating gums and spaces between teeth" (Reg. No. 1,660,337), and a certified copy of an assignment transferring this registration to Opposer, which has been recorded at Reel/Frame 2376/0573-0576.

7120788



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

April 01, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,660,337 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *October 08, 1991*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *October 08, 2001*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

SMITHKLINE BEECHAM CORPORATION

A PENNSYLVANIA CORPORATION

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

P. SWAIN

Certifying Officer



Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent and Trademark Office

Reg. No. 1,660,337

Registered Oct. 8, 1991

**TRADEMARK
PRINCIPAL REGISTER**

AQUA FLOSS

TOCAD CO., LTD. (JAPAN CORPORATION)
4-6, 1-CHOME
KITASENZOKU, OTA-KU, TOKYO 145, JAPAN

FIRST USE 6-1-1990; IN COMMERCE
6-1-1990.

FOR: WATER JET ORAL HYGIENE DEVICE
FOR CLEANING AND IRRIGATING GUMS
AND SPACES BETWEEN TEETH, IN CLASS 10
(U.S. CL. 44).

SN 74-025,271, FILED 2-2-1990.

CARYN HINES, EXAMINING ATTORNEY

TS 7120788



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

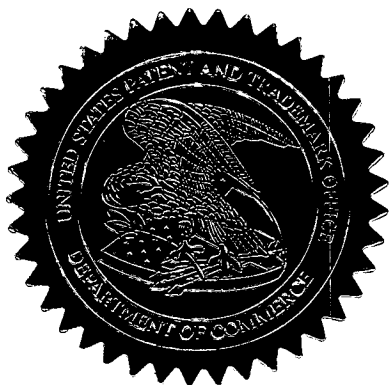
**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

April 02, 2008

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
SEPTEMBER 25, 2001.**

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

**T. LAWRENCE
Certifying Officer**



10-02-2001

SHEET
ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissione

101861747

attached original documents or copy thereof.

1. Name of conveying party(ies):

ToCad Co., Ltd.

9-25-01

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☐ Corporation-State
☒ Other a corporation organized under the laws of Japan

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: August 17, 2001

2. Name and address of receiving party(ies):

Name: ToCad Energy Company Ltd.

SEP 15

Internal Address:

Street Address: 1 Chome, Kitasenzoku

City: Ota-Ku Tokyo State: Japan ZIP: 145

- ☐ Individual(s) citizenship
☐ Association
☐ General Partnership
☐ Limited Partnership
☐ Corporation-State
☒ Other corporation organized under the laws of Japan

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☐ No
(Designations must be a separate document from Assignment)
Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark registration No.(s)

1,660,337

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Deborah Schavey Ruff

Internal Address:

Street Address: Mayer, Brown & Platt

P.O. Box 2828

City: Chicago State: IL ZIP: 60690-2828

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

- ☒ Enclosed
☒ Authorized to be charged to deposit account any additional fees

8. Deposit account number:

13-0019

(Attach duplicate copy of this page if paying by deposit account)

10/01/2001 DBYRME 00000112 1660337

01 FC:481

40.00 00

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Deborah Schavey Ruff
Name of Person Signing
(97347272 - ZGB)

Signature

9/21/01.
Date

Total number of pages comprising cover sheet: 4

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TRADEMARK ASSIGNMENT

THIS TRADEMARK ASSIGNMENT (the "Assignment") is between ToCad Co., LTD. (the "ASSIGNOR") and ToCad Engery Company Ltd.(the "ASSIGNEE").

WHEREAS, ASSIGNOR is the owner of all right, title, and interest in the trademarks, service marks and trade names listed on the attached Exhibit A (collectively, the "TRADEMARKS") which Exhibit A is incorporated by reference into this Agreement. and

WHEREAS, ASSIGNOR desires to assign all right, title and interest in the TRADEMARKS to ASSIGNEE and ASSIGNEE desires to acquire all of ASSIGNOR's right, title and interest in, to and under the TRADEMARKS.


NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR does hereby sell, assign, transfer and set over to ASSIGNEE, its successors, legal representatives and assigns, all of ASSIGNOR's right, title and interest in and to the TRADEMARKS together with the goodwill of the business associated with said TRADEMARKS and registrations thereof (including, without limitation, all proceeds thereof and the rights to sue for past, present and future infringements), the same to be held and enjoyed by ASSIGNEE, for its own use and on behalf of its successors, legal representatives and assigns, as fully and entirely as the same would have been held and enjoyed by ASSIGNOR, had this sale and assignment not been made.

1087336.1 70301 948C 97347272

TRADEMARK
REEL: 002376 FRAME: 0574

In witness of this assignment, authorized representatives of ASSIGNOR and ASSIGNEE
have executed this ASSIGNMENT as of the 17 day of August, 2001.

ToCad Co., Ltd., Assignor

By: 

Name: MITSUHIRO MATSUHARA August 17, 2001

Title: VP

**ToCad Energy Company, Ltd.
Assignee**

By: 

Name: Takeshi Fujikawa August 17, 2001

Title: President

EXHIBIT A

I. U.S. TRADEMARK REGISTRATION(S)

Trademark	Registration No.	Registration Date
AQUA FLOSS	1,660,337	October 8, 1991

1087336.1 70301 948C 97347272

~~RECORDED: 09/25/2001~~

TRADEMARK
REEL: 002376 FRAME: 0576

Declaration of Erik Bertin – Exhibit L

True and correct copies of print-outs from the Trademark Office's TESS and TARR database for U.S. Application Serial No. 78/797,498 for the mark OMNIFRESH for "oral irrigators, dental picks, tongue scrapers" in Class 10.



United States Patent and Trademark Office

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OMNIFRESH

Word Mark Goods and Services

OMNIFRESH

IC 003. US 001 004 006 050 051 052. G & S: Breath freshener, Toothpastes, Tooth powders, Oral tooth and mouth cleansing gels, Dentifrices in the form of creams and pastes, Mouthwashes, Non-medicated mouthwash and gargle, Dental bleaching gel, Non-medicated dental rinse, Breath mints, Non-medicated breath-freshening strips, Denture cleanser, Retainer cleanser

IC 005. US 006 018 044 046 051 052. G & S: Breath-freshening chewing gum for medicinal purposes, Medicated mouthwash, Dental rinse, Dental polish, Medicated lozenges, Antiseptics, Antiseptic preparations, Antiseptic mouthwash, Medicated oral mouth sprays, Medicated dental floss, Medicated breath-freshening strips

IC 010. US 026 039 044. G & S: Oral irrigators, Dental picks, Tongue scrapers

IC 021. US 002 013 023 029 030 033 040 050. G & S: Toothbrushes, Denture brushes, Interdental brushes, Dental floss, Interdental toothpick

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78797498

Filing Date January 23, 2006

Current Filing Basis 1B

Original Filing Basis 1B

Published for

Trademark Electronic Search System (TESS)
Page 2 of 2

Opposition	September 12, 2006
Owner	(APPLICANT) Omnisource DDS, LLC CORPORATION CALIFORNIA 10902 Riverside Drive North Hollywood CALIFORNIA 91602
Attorney of Record	THOMAS I. ROZSA
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP
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Serial Number: 78797498 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

OMNIFRESH

(words only): OMNIFRESH

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2007-12-21

Filing Date: 2006-01-23

The Notice of Allowance Date is: 2006-12-05

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
HERRERA ROSELLE MORALDE

Current Location: 700 -Intent To Use Section

Date In Location: 2007-12-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC

Address:

Omnisource DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Breath freshener, Toothpastes, Tooth powders, Oral tooth and mouth cleansing gels, Dentifrices in the form of creams and pastes, Mouthwashes, Non-medicated mouthwash and gargle, Dental bleaching gel, Non-medicated dental rinse, Breath mints, Non-medicated breath-freshening strips, Denture cleanser, Retainer cleanser

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 005

Class Status: Active

Breath-freshening chewing gum for medicinal purposes, Medicated mouthwash, Dental rinse, Dental polish, Medicated lozenges, Antiseptics, Antiseptic preparations, Antiseptic mouthwash, Medicated oral mouth sprays, Medicated dental floss, Medicated breath-freshening strips

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 010

Class Status: Active

Oral irrigators, Dental picks, Tongue scrapers

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 021

Class Status: Active

Toothbrushes, Denture brushes, Interdental brushes, Dental floss, Interdental toothpick

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-21 - Extension 2 granted
2007-12-03 - Extension 2 filed
2007-12-03 - PAPER RECEIVED
2007-08-24 - Extension 1 granted
2007-05-23 - Extension 1 filed
2007-05-23 - PAPER RECEIVED
2007-05-23 - Assigned To Examiner
2006-12-05 - Notice of allowance - mailed
2006-09-12 - Published for opposition
2006-08-29 - Review Of Correspondence Complete
2006-08-23 - Notice of publication
2006-08-18 - PAPER RECEIVED
2006-07-26 - Law Office Publication Review Completed
2006-07-24 - Assigned To LIE
2006-07-14 - Approved for Pub - Principal Register (Initial exam)
2006-07-14 - Examiner's Amendment Entered
2006-07-14 - Examiners amendment e-mailed
2006-07-14 - Examiners Amendment - Written
2006-07-12 - Assigned To Examiner
2006-06-01 - Attorney Revoked And/Or Appointed
2006-06-01 - TEAS Revoke/Appoint Attorney Received
2006-01-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

THOMAS I. ROZSA

Correspondent

THOMAS I. ROZSA

ROZSA LAW GROUP LC

18757 BURBANK BLVD STE 220

TARZANA CA 91356-3346

Phone Number: (818) 783-0990

Fax Number: (818) 783-0992

Declaration of Erik Bertin – Exhibit M

True and correct copies of a document numbered OMNISOURCE 000002, which was produced by Applicant Omnisource DDS, LLC in response to Opposer's First Set of Document Requests



State of California
Kevin Shelley
Secretary of State

File # **200514810012**

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAY 25 2005

**LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION**

A \$70.00 filing fee must accompany this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME (End the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.")

1. NAME OF LIMITED LIABILITY COMPANY

OMNISOURCE DDS, LLC

PURPOSE (The following statement is required by statute and may not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE BEVERLY-KILLEA LIMITED LIABILITY COMPANY ACT.

INITIAL AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and both Items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 3 must be completed (leave Item 4 blank).)

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS

William Weissman G.D. Corporation System

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE

William Weissman 10902 Riverside Dr. No. Hollywood CA 91602

MANAGEMENT (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

☐ ONE MANAGER

☐ MORE THAN ONE MANAGER

☒ ALL LIMITED LIABILITY COMPANY MEMBER(S)

ADDITIONAL INFORMATION

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE.

EXECUTION

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

William Weissman
SIGNATURE OF ORGANIZER

May 17, 2005
DATE

William Weissman
TYPE OR PRINT NAME OF ORGANIZER

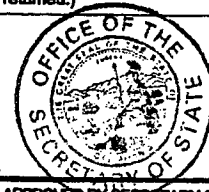
RETURN TO (Enter the name and the address of the person or firm to whom a copy of the filed document should be returned.)

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FIRM

ADDRESS

CITY/STATE/ZIP



LLC-1 (REV 12/2004)

APPROVED BY SECRETARY OF STATE

CA076 - 01/04/2005 C.T. System Online

Certificate of Mailing by Express Mail

I hereby certify that the foregoing Declaration of Erik Bertin is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on April 8, 2008.

Erik Bertin
Person Signing Certificate

April 8, 2008
Date of Signature

Erik Bertin
Signature

EB 303226528 US
Express Mail Number

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Declaration of Erik Bertin has been duly served by mailing such copy first class, postage prepaid, to Erik M. Pelton, P.O. Box 100637, Arlington, VA 22210 on April 8, 2008.

Erik Bertin
Erik Bertin